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M. TULLI CICERONIS

DE ORATORE

LIBRI TRES

WITH INTRODUCTION AND NOTES

BY

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NOTICE.

THE second edition of this volume has been thoroughly revised and the commentary somewhat extended; it has been also made uniform with the second edition of Book I (1888) in its critical notes, for which the *Codex Harleianus* has been collated afresh. I have once more to express my deep obligations to Dr. J. S. Reid, who has not only furnished me with the very valuable suggestions to be found on almost every page, but has frequently contributed corrections and additions to notes for which in their present form he is not responsible.

MANCHESTER,
June, 1890.

M. TULLI CICERONIS

DE ORATORE

AD QUINTUM FRATREM LIBRI TRES.

LIBER SECUNDUS.

MAGNA nobis pueris, Quinte frater, si memoria tenes, opinio 1
fuit L. Crassum non plus attigisse doctrinae, quam quantum 1
prima illa puerili institutione potuisset; M. autem Antonium omnino omnis eruditionis expertem atque ignarum fuisse; erantque multi qui, quamquam non ita se rem habere arbitrarentur, tamen, quo facilius nos incensos studio discendi a doctrina

3. *potuisset*: *paravisset* Reid.

§§ **1–11.** *Cicero explains that Crassus and Antonius were by no means so deficient in learning as was commonly supposed; and argues that eloquence, such as they possessed, could never have been acquired without a wide range of learning. He expresses his intention of giving in their words a treatise on oratory based on greater practical experience than that possessed by previous writers.*

1. **nobis pueris**, abl. not dat.

2. **attigisse**, 'had dabbled in:' cp. pro Arch. 8. 17 'quod si ipsi haec neque attingere neque sensu nostro gustare possemus:' so above, i. 18. 82; 19. 87.

3. **illa**, 'in those days,' before Greek literature was included in the ordinary curriculum for boys. Cp. Gallus ii[3]. 75–76: the English abridgment follows the erroneous view of earlier editions. But possibly *illa* does not do more than emphasize the notion of time past contained in *prima*. Cp. pro Cael. 11 'sed qui prima illa initia aetatis integra atque inviolata praestitisset:' so Har. Resp. 42 (J. S. R.).

5. **arbitrarentur**: the conj. does not depend upon **quamquam** directly, but the verb is attracted into the mood of **praedicarent**. Cp. Roby, § 1778. Madvig on de Fin. iii. 70 writes 'non dubito quin Cicero nunquam in recta oratione particulae *quamquam* in protasi coniunctivum subiecerit, nisi ubi aliqua lateret potentialis, condicionalisve aut similis significatio.' It is of course not unusual to find *quamquam* with conj. in silver-age writers. Cp. Roby, § 1697. Dräger, Hist. Synt. ii. 737–9. So Kühner, ii. p. 957. For an instance where the conjunctive, if defensible at all, must be defended as here, cp. iii. 7. 27 with the note. Of the five passages quoted by Zumpt, § 574, only one is allowed to stand by good editors: Tusc. v. 30. 85 'quamquam enim sint in quibusdam malis' = 'although they *should be* in some troubles.' In de Off. i. 2. 6, Baiter and Holden read 'quamquam sunt:' in pro Mur. 9. 20, Halm and Kayser have 'quamquam loquor' [but cp. Heitland's note]: for de Fin. iii. 21. 70 see Madvig ad loc. For his fifth example Zumpt gives a false reference. He is in error in saying that it is found only in these passages. We may add Brut. 2. 8; Phil. vi. 1. 3 (with King's note), and perhaps Tusc. i. 45. 109. It is better to regard this instance as one of simple attraction than as a 'conj. coniecturalis' with Adler—'although they might not think.' Cp. Madvig, § 361, obs. 3.

6. **incensos studio**: cp. de Rep. i. 22. 36, where Scipio says 'peto a vobis ut sic

deterrerent, libenter id, quod dixi, de illis oratoribus praedicarent, ut, si homines non eruditi summam essent prudentiam atque incredibilem eloquentiam consecuti, inanis omnis noster esse labor et stultum in nobis erudiendis patris nostri, optimi ac
2 prudentissimi viri, studium videretur. Quos tum, ut pueri, refutare domesticis testibus patre et C. Aculeone propinquo nostro et L. Cicerone patruo solebamus, quod de Crasso pater et Aculeo, quocum erat nostra matertera, quem Crassus dilexit ex omnibus plurimum, et patruus, qui cum Antonio in Ciliciam profectus una decesserat, multa nobis de eius studio et doctrina saepe narravit; cumque nos cum consobrinis nostris, Aculeonis filiis,

10. *et doctrina* Fr. H cum codd. Lagg. plerisque. *doctrinaque* KPAS.

me audiatis neque ut omnino expertem Graecarum rerum, neque ut eas nostris anteponentem, sed ut unum e togatis; patris diligentia non illiberaliter institutum, *studioque discendi a pueritia incensum*, usu tamen et domesticis praeceptis multo magis eruditum quam litteris.' This confirms *discendi* of the MSS. against the *dicendi* of the older editors, including Ernesti and Schütz.

doctrina, 'systematic instruction,' 'pursuit of learning:' as below, § 11: cp. i. 48. 208. It is more commonly used for the learning resulting from instruction: as in §§ 2, 15, etc.

2. **prudentiam** = φρόνησιν, 'practical wisdom:' de Off. i. 43. 153, and often in this book: rarely as in Tusc. i. 4. 7 of philosophy. It is often used of legal skill: e. g. de Sen. 9. 27.

4. **patris nostri.** Cicero refers to his father also in § 265, and in de Leg. iii. 1. 3 'qui cum esset infirma valetudine, hic fere aetatem egit in litteris.' His tone is always one of great respect and affection, to which a much-misinterpreted phrase in one of his letters is not really an exception. Cp. Prof. Tyrrell's notes on ad Att. i. 6. 2 and i. 19. 10 (Correspondence of Cicero, vol. i. pp. 41, 130, 233).

5. **ut pueri,** 'as was to be expected from boys,' who can only fall back on the authority of their friends at home. Cp. Hor. Sat. i. 6. 79 with Heindorf's note, and Tusc. i. 43. 104 'Diogenes . . . ut Cynicus, asperior.' The force is the same in Tusc. i. 8. 15 'Epicharmi, acuti nec insulsi hominis, ut Siculi, sententiam sequi,' where Kühner points out how this differs from the restrictive force of *ut*, as in iii. 18. 66. Ellendt here quotes numerous instances of each force. For **refutare**, a frequentative from rt. *fu* = χυ: cp. Corssen, i. p. 159, and note on § 203.

6. **domesticis testibus** = 'dictis testium domesticorum:' cp. pro Mil. 18. 47 'iacent suis testibus.' For other instances of the abl. instrum. being used of persons cp. Roby, § 1220; Madvig, § 254. obs. 3. It is especially common with 'testibus,' as may be seen from Merguet's Lex. s. v.

8. For the phrase **quocum erat** of marriage cp. pro Quinct. 24. 77, 'Q. Roscio, cuius soror est cum P. Quinctio.' Lucius Cicero is only mentioned here: for his son Lucius, 'frater noster cognatione patruelis, amore germanus,' as Cicero calls him, cp. de Fin. v. 1. 1; ad Att. i. 5. 1.

matertera, Helvia, the sister of Cicero's mother.

9. **in Ciliciam**: cp. i. 18. 82: Introd. p. 13.

10. **decesserat,** the regular word for leaving a province for Rome, e.g. pro Planc. 26. 65. Cp. Drakenborch on Liv. xxviii. 28. 7; Kritz on Sall. Jug. 20. 1; Kühner on Tusc. ii. 25. 61; or Ellendt on Brut. i. 1.

11. **consobrinis,** here used in its strict sense for 'mother's sisters' sons:' the word has however very often the more extended meaning of our own 'cousin,' e. g. de Off. i. 17. 54 with Holden's note. Sometimes it is used even of distant cousins. For the derivation from *soror*, cp. Brugman in Curtius' Studien, ix. 393, and Grundriss, i. § 570. For Aculeo and his son Gaius Visellius Varro, see note on i. 43. 191. It is possible that Ellendt and Sorof are right in holding these *filii* to have been step-sons, but as there is no authority for the *gens* to which Aculeo

et ea disceremus, quae Crasso placerent, et ab eis doctoribus, quibus ille uteretur, erudiremur, etiam illud saepe intelleximus, cum essemus eius domi, quod vel pueri sentire poteramus, illum et Graece sic loqui, nullam ut nosse aliam linguam videretur, et doctoribus nostris ea ponere in percontando eaque ipsum omni in sermone tractare, ut nihil esse ei novum, nihil inauditum videretur. 3 De Antonio vero, quamquam saepe ex humanissimo homine patruo nostro acceperamus, quem ad modum ille vel Athenis vel Rhodi se doctissimorum hominum sermonibus dedisset, tamen ipse adulescentulus, quantum illius ineuntis aetatis meae patiebatur pudor, multa ex eo saepe quaesivi. Non erit profecto tibi, quod scribo, hoc novum; nam iam tum ex me

3. *cum essemus eius modi* ω quod frustra defendere conatus est Bak.: inclusit K. cum Ell. *domi* PS secuti Gulielmium.

belonged, and no evidence of an earlier marriage of Helvia, the question cannot be decided.

1. **Crasso placerent**, 'found favour with Crassus,' not as Pid. understanding 'ut disceremus.'

2. **quibus uteretur**, 'who enjoyed his friendship,' e.g. Staseas: see i. 22. 104.

3. **cum essemus**, not, as Sorof, 'whenever we were:' there are very few, if any, passages in Cicero, where *cum* is so used with the conj. (cp. Roby, §§ 1716, 1717, and note on i. 54. 232), but simply 'being as we were,' *cum* denoting (in Hale's phrase) 'the character of the situation.' See however Hale's essay, p. 232.

eius domi: the reading of the MSS. *eius modi* cannot be defended: in all the passages which Bake adduces, *ut* follows. But the correction *domi* is an easy one [so Hermann corrects κινήσω for νικήσω in Iph. Aul. 1249, and in Verg. Georg. ii. 356 for 'sub vomere et ipsa' M has 'submoveret ipsa:' so the MSS. of Lucret. ii. 199 for *revomit* have *removet*: cp. *colorum* for *locorum* in § 54]: *in domo eius* is more common, but cp. pro Cluent. 60. 165 'huius domi est mortuus:' Phil. ii. 19. 48 'cuius domi.'

quod, not with *illud*, but 'a thing which,' i. e. 'as.'

vel pueri: Cicero could not have been more than fourteen or fifteen years of age: Quintus was three or four years younger.

4. **nullam**: *ut* is usually put by Cicero after negatives and *vix*, and generally after any word which is to be brought into prominence: cp. Lael. 23. 87 'congressus ut hominum fugiat;' 'ut nihil' (l. 6) is an instance of the less usual order. Madvig, § 465 b, obs.

5. **ponere** = τιθέναι, 'to suggest subjects (θέσεις):' cp. i. 22. 102; 33. 149.

8. **vel . . . vel**, 'alike . . . and:' Roby, § 2220.

9. **doctissimorum hominum**: at Athens Menedemus, Charmadas, and Mnesarchus, at Rhodes Apollonius and Molon. Cp. i. 18. 82; 19. 85; Introd. p. 48.

10. **adulescentulus**: Cicero was in his twentieth year when Antonius was murdered. With regard to the form *adul-* Ell. says '[haec] scriptura semper in nonnullis, raro in optimis libris invenitur.' But this is correct only for the inferior MSS. of this work. The evidence of the best MSS. of Plautus and Terence bears out the rule of Caper (de Orthogr., p. 2243, 44 P) 'adulescens nomen est: adolescens participium est.' For Plautus, cp. Ritschl, Proll. p. xcv '*adulescens*, cuius vicariam *adolescens* formam vix unquam boni libri sine discrepantia agnoscunt.' Cp. i. 2. 4.

ineuntis aetatis, 'youth.' Halm on pro Leg. Man. i. 1 points out that *ab ineunte aetate* in Cicero always denotes 'from the beginning of my life as a citizen.' So on de Off. i. 34. 122, Heusinger notes 'inire aetatem dicitur ab iis annis, quibus pueritia finitur:' cp. ib. ii. 13. 44, and above, i. 21. 97. Cp. Liv. xlii. 34 'cum primum in aetatem veni, pater mihi uxorem dedit.' Hence Halm's rule need not be limited to Cic. On the other hand 'ex ineunte aevo' in Lucr. ii. 748 is 'from the beginning of time.'

audiebas mihi illum ex multis variisque sermonibus nullius rei, quae quidem esset in eis artibus, de quibus aliquid existimare
4 possem, rudem aut ignarum esse visum. Sed fuit hoc in utroque eorum, ut Crassus non tam existimari vellet non didicisse, quam illa despicere et nostrorum hominum in omni genere prudentiam Graecis anteferre; Antonius autem probabiliorem hoc populo orationem fore censebat suam, si omnino didicisse numquam putaretur; atque ita se uterque graviorem fore, si alter con-
5 temnere, alter ne nosse quidem Graecos videretur; quorum consilium quale fuerit, nihil sane ad hoc tempus; illud autem est huius institutae scriptionis ac temporis, neminem eloquentia non modo sine dicendi doctrina, sed ne sine omni quidem sapientia
2 florere umquam et praestare potuisse. Etenim ceterae fere artes

1. *rei* inclusit K. 11. *scriptionis* ω: *descriptionis* nescio an recte voluit Reid, qui *ac temporis* deletum malit.

2. **in eis artibus**, i.e. grammar and rhetoric. Ell. with most MSS. reads *his*, but the correction of Henrichsen is adopted by all other editors. The form *iis* given by Pid. and Sorof is not so good for Cicero: cp. Ritschl, Proll. p. xcviii, and Kühner, i. p. 388. See however Neue Formenl. ii.² 196.

3. **fuit hoc . . . ut**: cp. Madvig, § 374; Roby, § 1700; 'hoc' covers two views, as 'ita' just below.

5. **in omni genere**, 'in every department.' Nägelsb. Stil. p. 184. For the defining genitive (here *studiorum* or *rerum*) omitted after 'genus,' cp. Reid on Acad. i. § 3.

6. **Graecis** = 'Graecorum prudentiae:' cp. i. 4. 15 (note).

probabiliorem: i. 28. 129 (note).

hoc populo, 'with a nation like ours:' cp. iii. 1. 2 'illo senatu:' de Leg. iii. 16. 37 'non quid hoc populo obtineri possit.' Roby, § 1242. Dr. Reid suggests, that 'populo' is more probably dative, as in § 153, and 'hoc' the ablative, anticipatory of the clause 'si . . . putaretur.'

7. **censebat**: for the slight anacoluthon involved in the change from the dependent to the independent structure, cp. Tusc. i. 1. 1 'non quia philosophia Graecis et litteris et doctoribus percipi non posset, sed meum semper iudicium fuit,' etc. Cp. Madvig, Excursus I on De Finibus. Dr. Reid on pro Arch. i. 1 notes 'Roman juries, like some English solicitors, looked on the literary barrister as unpractical: hence the faltering way in which Cicero owns to a knowledge of Greek literature in passages like pro Mur. 63.' This is another instance of the way in which Cicero ascribes his own sentiments and practice to Crassus. Cp. note on i. 42. 190.

10. **quale**, i. e. how just or wise.

sane, 'certainly,' here simply intensive of *nihil*, as in Sall. Cat. 16. 5 'Senatus nihil sane intentus:' ad Q. Fratr. i. 2. 37 'nihil sane esset, quod nos paeniteret.' Its force is either (1) 'as I admit,' or (2) 'as every one admits.'

ad hoc tempus, sc. 'pertinet,' as in iii. 18. 66, Or. 33. 117: cp. in Pis. 28. 68 'recte an secus nihil ad nos: aut si ad nos, nihil ad hoc tempus.'

illud, of what follows, 'this.' Madvig, § 485 b.

12. **non modo**, 'I will not say.' Madv. § 461 b.

dicendi doctrina, 'training in speaking,' one of Cicero's numerous synonymes for rhetoric: cp. Part. Or. 1. 3 'quot in partis tribuenda est omnis doctrina dicendi;' Roby, § 1312.

13. **praestare**, 'excel,' rarely used thus absolutely; but cp. iii. 33, 135; Brut. 64. 230; de Fin. v. 14. 40: Cicero generally adds 'ceteris,' or some definite object in the dative (e. g. i. 44. 197): the construction with the acc. is found in Varro and often in Nepos and Livy, but not in Cicero or Caesar. Roby, § 1121. Of course Cicero often has the acc. where the verb has the sense 'guarantee,' 'be responsible for' (below, § 124), 'discharge' (§ 38), 'prove' (iii. 33, 134), etc.

se ipsae per se tuentur singulae; bene dicere autem, quod est
scienter et perite et ornate dicere, non habet definitam aliquam
regionem, cuius terminis saepta teneatur: omnia, quaecumque in
hominum disceptationem cadere possunt, bene sunt ei dicenda,
qui hoc se posse profitetur, aut eloquentiae nomen relinquendum
est. Qua re equidem et in nostra civitate et in ipsa Graecia, quae 6
semper haec summa duxit, multos [et ingeniis et] magna laude
dicendi sine summa rerum omnium scientia fuisse fateor; talem
vero exsistere eloquentiam, qualis fuit in Crasso et Antonio, non
cognitis rebus omnibus, quae ad tantam prudentiam pertinerent,
tantamque dicendi copiam, quanta in illis fuit, non potuisse con-

7. [*et ingeniis et*] suppositicia esse viderunt PKAH. *et ingeniis magnos et laude* e conj. Ell.: alii alia temptaverunt. *et ingeniis* insignes *et magna laude* S. *et ingeniosos in magna laude* J. S. Reid.

1. **se ipsae**: Madvig, § 487 b: Mayor on Phil. ii. 118.

bene dicere: here only the three most important parts of oratory (inventio, dispositio, elocutio) are included. The definition is more complete in i. 11. 48; 15. 64. Cp. Introd. p. 56. Translate 'with knowledge (of the subject-matter), skill (in arrangement), and elegance (of style).'

3. **saepta**, not *saeptum*, as though *bene dicendi ars* had preceded. In pro Mur. 13. 29 ('deinde vestra responsa atque decreta et evertuntur saepe dicendo et sine defensione oratoris firma esse non possunt. In qua si satis profecissem, parcius de eius laude dicerem') it is often said that *in qua* refers to *ars dicendi* or *eloquentia* implied in the context: but this seems very doubtful. Zumpt alters to *quo*. For the metaphor, cp. i. 61. 266: for the form *saepire*, i. 31. 142 (note).

4. **cadere**: § 113 'quae in disceptationem et controversiam cadere possint.'

5. **hoc**, sc. 'bene dicere,' in spite of 'saepta.'

aut, 'or else:' Roby, § 2217.

eloquentiae nomen: cp. i. 26. 120 'impudentiae nomen effugere debemus.'

6. **equidem**. Cicero seems to have thought that this word was connected with *ego*, and never uses it except with the first person singular: cp. Madv. Opusc. i. 497: Ribbeck, Lat. Part. pp. 37 ff. Jordan Krit. Beitr. pp. 314 ff. But the word is probably compounded of the interjectional *e-* and *quidem*: cp. Corssen, ii². 856 f; and is sometimes, though rarely, used with other persons: cp. Sall. Cat. 52. 16 'quare vanum equidem hoc consilium est:' ib. 58. 4 'scitis equidem milites.' Ritschl, Proll. lxxv–lxix rejected this construction from Plautus, and wrote 'non recurret opinor furca expulsum *equidem*,' but was afterwards convinced by Ribbeck's arguments and restored it in Trin. 352, 611: cp. Opusc. v. 335: Goetz on Epid. 603. See also Kühner, ii. 606–608. Gildersleeve on Pers. i. 110.

We should more naturally have made the first clause subordinate to the second, not coordinate: 'though I admit . . . yet I maintain,' etc.

7. **haec**, i. e. 'studia,' 'these pursuits.'

[et ingeniis et]: the MS. reading here is ungrammatical: the descriptive ablative cannot be used without a predicate (Roby, § 1230): hence some have conjectured the loss of an adjective (Kühner, 'ingeniis *magnis*,' Sorof, 'ingeniis *insignes*'), while Müller and Henr. read *floruisse* for *fuisse*. But the sentence runs much better without the bracketed words; they look like the marginal gloss of a reader who had an unseasonable remembrance of Cicero's repeated assertion that natural abilities without extensive learning will not suffice for real eloquence. As Adler justly says, if Cicero had wished to express that view here he would certainly have written 'multos ingeniis insignes magna laude dicendi fuisse.' The objection made on the score of the plural *ingeniis* is not valid. Cicero sometimes uses the plural for the natural powers of several persons, though not of one: cp. note on § 11.

10. **pertinerent**, 'contributed towards' or 'to produce.'

11. **confirmo**, rather more than 'affirm:' 'I maintain' my previous assertion.

7 firmo. Quo etiam feci libentius, ut eum sermonem, quem illi quondam inter se de his rebus habuissent, mandarem litteris, vel ut illa opinio, quae semper fuisset, tolleretur, alterum non doctissimum, alterum plane indoctum fuisse; vel ut ea, quae existimarem a summis oratoribus de eloquentia divinitus esse dicta, custodirem litteris, si ullo modo adsequi complectique potuissem; vel mehercule etiam ut laudem eorum iam prope senescentem, quantum ego possem, ab oblivione hominum atque

8 a silentio vindicarem. Nam si ex scriptis cognosci ipsi suis potuissent, minus hoc fortasse mihi esse putassem laborandum; sed cum alter non multum, quod quidem exstaret, et id ipsum adulescens, alter nihil admodum scripti reliquisset, deberi hoc a me tantis hominum ingeniis putavi, ut, cum etiam nunc vivam illorum memoriam teneremus, hanc immortalem redderem, si

1. **Quo**, etc. 'Hence I was the more desirous to commit to writing.' For this use of *ut* cp. Roby, § 1700.

4. **vel . . . vel** shows that the various motives were regarded as singly adequate, and also as consistent with each other.

5. **divinitus**: i. 7. 26 (note).

6. **si ullo modo**: in iii. 4. 14 ff. Cicero admits that his report of the discourse of Crassus falls short of its actual eloquence. For 'custodire' cp. Quint. i. 7. 31.

7. **potuissem**, 'should have *succeeded in* attaining:' 'possem,' would have implied only 'had the ability to attain:' cp. Roby, § 1454, 2.

8. **senescentem**, opposed to *vigentem*: cp. i. 58. 247 'non vides veteres leges—ipsas sua vetustate consenuisse;' de Nat. Deor. ii. 19. 49 'hiems senescens.' Nägelsb. Stil. p. 377.

9. **ipsi suis.** Madvig, § 487 b.

10. **hoc . . . laborandum**: the acc. of the neuter pronoun might have been used after *laborare* (Roby, § 1094): hence the construction with the gerundive.

11. **alter**: sc. 'Crassus.'

non multum. Orat. 38. 132 'Sed Crassi perpauca sunt, nec ea iudiciorum:' his published speeches were political orations, especially the 'suasio legis Serviliae' and 'de colonia Narbonensi' (Introd. pp. 8–12; Brut. 43–4, 158–162). He had only published a few passages from his other speeches.

exstaret, because of 'putavi.'

12. **adulescens**: Crassus was in his twenty-second year at the time of the later of his two published speeches. There is a slight zeugma: we may supply 'scripsisset.'

nihil admodum. The exact meaning of this phrase has been much discussed. Ellendt in his note here argues for the meaning 'fere nihil,' on the ground that Antonius had left 'de ratione dicendi sane exilem libellum' (Brut. 44. 163: i. 21. 94): but Hand's argument (Tursell. i. 173 f.) is quite sound that this could give no just idea of his oratorical power. So in Brut. 9. 35, where Cicero says 'plane quidem perfectum et cui nihil admodum desit Demosthenem facile dixeris,' Ell. argues for the same force, because in Or. 29. 104, Cicero expresses himself as not absolutely satisfied even with Demosthenes. But surely 'cui nihil admodum desit' is quite equivalent to 'plane perfectum.' In Brut. 58. 210 'Curio litterarum nihil admodum sciebat' the context shows that Curio was absolutely ignorant of literature. The same force must be given in Liv. xxiii. 29. 14 'equestris pugna nulla admodum fuit' (cp. 46. 10), xl. 59. 2 'armorum magnam vim transtulit, nullam pecuniam admodum.' Hence the attempted distinction between 'nihil admodum' and 'admodum nihil' must be abandoned, and we must translate here 'absolutely nothing,' not as Pid. 'almost as good as nothing.' Cp. also Müller on Seyffert's Lael. 4. 16. With adjectives it is admitted to make no difference whether *admodum* is prefixed or follows.

hoc, i. e. 'this tribute,' as in l. 3, 'hoc' = 'this task.' Nägelsb. Stil. p. 124.

13. **tantis**, etc. Cp. Sall. Cat. 8. 3 'scriptorum magna ingenia,' for 'scriptores magno ingenio.'

possem; quod hoc etiam spe adgredior maiore ad probandum, 9 quia non de Ser. Galbae aut C. Carbonis eloquentia scribo aliquid, in quo liceat mihi fingere, si quid velim, nullius memoria iam me refellente, sed edo haec eis cognoscenda, qui eos ipsos, de quibus loquor, saepe audierunt; ut duos summos viros eis, qui neutrum illorum viderint, eorum, quibus ambo illi oratores cogniti sint, vivorum et praesentium memoria teste commendemus.
Nec vero te, carissime frater atque optime, rhetoricis nunc qui- 3
busdam libris, quos tu agrestis putas, insequor ut erudiam; quid 10
enim tua potest oratione aut subtilius aut ornatius esse? Sed sive iudicio, ut soles dicere, sive, ut ille pater eloquentiae de se Isocrates scripsit ipse, pudore a dicendo et timiditate ingenua quadam refugisti, sive, ut ipse iocari soleo, unum putasti satis esse non modo in una familia rhetorem, sed paene in tota civitate,

10. *sed sive iudicio* KPSH E^2 (multo recentiore manu exaratus): *sed quoniam sive iudicio*, ω. 11. *soles* ω: *soleo* cum Pearcio Fr. 12. *Isocrates* incl. K. 13. *soles* ω: *soleo* voluit K.

1. **quod . . . ad probandum,** 'and I proceed to make good this view of mine, with the greater hope of success because, etc.:' 'ad probandum' is somewhat awkwardly separated from the 'quod' to which it belongs. **adgredior** is used of course with or without *ad*: cp. Brut. 37. 139 'imparatus semper aggredi ad dicendum videbatur' (Roby, § 1145). **hoc,** abl. anticipatory of 'quia . . . edo.'

2. **Galbae**: i. 10. 40 (note).
Carbonis: ib. Introd. p. 8.

3. **in quo,** 'in which case,' not referring to *aliquid*.

7. **praesentium,** 'still among us.' Cp. de Off. i. 44. 156 'vivi atque praesentes studiosos dicendi erudiunt.' **memoria teste** is abl. abs. like *mem. ref.* above.

8. **te** depends directly upon **insequor,** and **libris** is abl. instr.: **ut erudiam** is added by way of explanation.

9. **agrestis,** 'rude,' tasteless things, often opposed by Cicero to *doctus* or *urbanus*: cp. iii. 11. 42 'rustica vox et agrestis.'

10. **subtilius,** 'more exact:' cp. note on i. 5. 17.

11. **iudicio,** 'on principle:' iii. 16. 59; 28. 110. Many MSS. and the earlier editors have 'sed quoniam sive iudicio,' for which Ern. and others read 'quamquam:' *E* alone has 'sed sive iudicio,' and although this part of the MS. is written by a much later hand, and is of little authority (Introd. p. 65), its reading here is unquestionably right. The general sense is: 'I do not wish to instruct you in rhetoric—for your style of speaking could hardly be improved—but whatever the reasons which have induced you not to speak in public, I still do not think you will regard this work as deserving of ridicule.'

12. **Isocrates,** not to be bracketed (with Kayser and Bake), inasmuch as the term 'pater eloquentiae,' which appears to be applied to him only here, would not sufficiently denote him. The appellation is given to him from the number of orators who came forth from his school, so that 'domus cunctae Graeciae quasi ludus quidam patuit, atque officina dicendi' (Brut. 8. 32): Introd. p. 35. For the position of the proper name, cp. Tusc. iv. 2. 4 'gravissimus auctor in Originibus dixit Cato' with Kühner's note.

scripsit ipse: Panath. § 10, p. 261 Bekker: οὕτω γὰρ ἐνδεὴς ἀμφοτέρων ἐγενόμην φωνῆς ἱκανῆς καὶ τόλμης, ὥς οὐκ οἶδ' εἴ τις ἄλλος τῶν πολιτῶν. Cp. Cic. de Rep. iii. 30. 42 'duas sibi res, quo minus in volgus et in foro diceret, confidentiam et vocem defuisse.'

13. **soleo**: *soles* can hardly be right both here and above. With Cima I now adopt K's correction here. But cp. Harn. Adnot. p. 2.

14. **rhetorem** not *oratorem* (as Bake would read without reason or authority),

non tamen arbitror tibi hos libros in eo fore genere, quod merito propter eorum, qui de dicendi ratione disputarunt, ieiunitatem
11 bonarum artium possit inludi; nihil enim mihi quidem videtur in Crassi et Antonii sermone esse praeteritum, quod quisquam summis ingeniis, acerrimis studiis, optima doctrina, maximo usu cognosci ac percipi potuisse arbitraretur, quod tu facillime poteris iudicare, qui prudentiam rationemque dicendi per te ipsum, usum autem per nos percipere voluisti. Sed quo citius hoc, quod suscepimus, non mediocre munus conficere possimus, omissa nostra adhortatione ad eorum, quos proposuimus, sermonem disputationemque veniamus.

12 Postero igitur die, quam illa erant acta, hora fere secunda, cum etiam tum in lecto Crassus esset et apud eum Sulpicius sederet, Antonius autem inambularet cum Cotta in porticu, repente eo Q. Catulus senex cum C. Iulio fratre venit; quod ubi

2. *eorum* ω: *certorum* voluit Reid. 6. *arbitraretur*: 'malim *arbitretur*' K.

'an orator trained on Greek theories:' cp. Tusc. iii. 26. 63 'ut licere quidvis rhetori intellegas.' The word has a much more disparaging force than *orator*, and is by no means equivalent to it, as even Heindorf says on Hor. Sat. i. 10. 12: and Forcellini, s. v. Such an interpretation would rob Juv. Sat. vii. 197–8 of all point: cp. i. 18. 84. In de Fin. ii. 6. 17 *rhetores* are 'declaimers' opposed to *dialectici*, 'logicians.' In Acad. i. 5 we have *orator*, where *rhetor* might have been expected, but see Reid's note. Cp. Plin. Ep. iv. 11. 1 'Audistine Valerium Licinianum in Sicilia profiteri? . . . Nunc eo decidit ut . . . rhetor de oratore fieret.'

2. **ieiunitatem** = 'inopiam,' with which it is coupled in Brut. 55. 202 'cavenda est presso illi oratori inopia et ieiunitas:' and 82. 285. Cp. Or. 30. 106 'ieiunas igitur huius . . . orationis auris civitatis accepimus' with Sandys' note. The origin of the word *ieiunus* is by no means clear. Bréal (Mém. Soc. Ling. iii. 412) suggests *sē-iunus*, where *-iunus* is for *diusnus* 'the day's meal.'

4. **praeteritum**, 'passed over,' so used with or without *silentio*.

5. **ingeniis**, 'ability:' for this use cp. Reid on Acad. i. 20, Sandys on Orat. 48. But the plural is very rarely used of individuals, not once, I believe, in Cicero's speeches, though the word is so common there.

6. **arbitraretur**, 'would have thought' at the time of the discourse.

7. **per te ipsum**, with a little gentle irony, directed at the disparagement of theoretical training by Quintus: cp. i. 2. 5.

8. Sorof finds a slight zeugma in **percipere**, which suits exactly only 'rationem dicendi,' while 'tibi comparare' would have gone better with 'prudentiam,' and 'cognoscere' with 'usum:' but *percipere* is often used by Cic. with some latitude = 'lay hold of,' i. e. 'attain:' cp. i. § 219.

9. **omissa**, etc., 'without any exhortation on my part.' Cic. will let the orators speak for themselves.

§§ 12–27. *The circumstances of the discussion in the morning of the second day. Arrival of Catulus and Caesar. After some conversation on the proper use of leisure, Antonius takes up his part in the discussion.*

13. **etiam tum in lecto.** Crassus was noted for his luxurious habits: cp. Introd. p. 12, and i. 7. 29; *lectus* is not however always our 'bed,' but the *lectulus lucubratorius*. Cp. Bentley on Hor. Sat. i. 6. 122. Sulpicius was especially devoted to Crassus, Cotta to Antonius: ib. p. 16.

14. **porticus**, 'colonnade,' never 'porch' in the modern sense, though Shakspere uses 'porch' in the sense of *porticus*: e.g. 'Repair to Pompey's porch, where you shall find us:' Jul. Caes. Act I. Sc. iii.

15. **Catulus**: Introd. p. 24. The son of this Catulus was consul in 78, and would therefore be at this time about

audivit, commotus Crassus surrexit omnesque admirati maiorem
aliquam esse causam eorum adventus suspicati sunt. Qui cum 13
inter se, ut ipsorum usus ferebat, amicissime consalutassent: 'quid vos tandem?' Crassus 'numquidnam' inquit 'novi?' 'Nihil sane,' inquit Catulus 'etenim vides esse ludos; sed—vel tu nos ineptos licet' inquit 'vel molestos putes — cum ad me in Tusculanum' inquit 'heri vesperi venisset Caesar de Tusculano suo, dixit mihi a se Scaevolam hinc euntem esse conventum, ex quo mira quaedam se audisse dicebat; te, quem ego totiens omni ratione temptans ad disputandum elicere non potuissem, permulta de eloquentia cum Antonio disseruisse et tamquam in
schola prope ad Graecorum consuetudinem disputasse: ita me 14

6. *inquit* incl. K. 10. *temptans*: Hic redeunt *H* Lag. 36.

thirty years of age: hence perhaps the distinctive addition of 'senex.'

C. Iulio: Introd. p. 25.

1. commotus: for the exciting position of public affairs at this time see Introd. p. 6.

admirati, 'in astonishment,' as in i. 56. 237. This use is so common, that it is hardly correct with Sorof to say that 'mirati' would have been more usual.

3. inter se . . . consalutassent: 'consalutari dici videri reciproce pro ἀσπάζεσθαι vi verbi medii apud Graecos legitima, Latinis qui mediis carent, inusitata, significavi ad i. 20. 90:' Ell. The word may have this force in Flor. iv. 3. 6 'exercitus consalutant,' but it is more correct to say that *con-* gives the force of joint action: *inter se* is the regular classical expression for reciprocal action: cp. Madvig, § 490 *b*. obs. 6: Plaut. Capt. 420 'videas corde amare inter se:' Cic. ad Att. vi. 1. 12 'Cicerones pueri inter se amant:' in Cat. iii. 5. 13 'furtim non nunquam inter se aspiciebant;' while *invicem* replaces it in later Latin from Livy onwards: e.g. Plin. Ep. vii. 20. ad fin. 'ut ardentius invicem diligamus.' Cp. Kühner, ii. 450; Dräger, Hist. Synt. i. 371. So *inter nos*: i. 8. 32. *Se inter se* is never used in this phrase: Nägelsb. Stil. p. 241.

ferebat, 'prompted' or perhaps simply 'permitted:' cp. pro Cluent. 60. 168 'ut aetas illa fert:' ad Q. Fratr. i. 4. 5 'ad me, ut tempora nostra, non ut amor tuus fert, vere perscribe.' Cp. § 185.

quid vos tandem? sc. 'facitis:' Roby, § 1441. There is a very similar passage in the introduction to the Brutus (3. 10) 'nam cum inambularem in xysto' (i. q. *porticu* here) 'M. ad me Brutus cum T. Pomponio venerat. Quos postquam salutavi, quid vos, inquam, Brute et Attice? numquid tandem novi? Nihil sane, inquit Brutus.'

4. Crassus . . . inquit: for the separation of these two words, which is quite usual, cp. §§ 16, 296; for the position of 'Crassus,' i. 33. 149.

5. ludos: i. 7. 24; Introd. p. 6.

ineptos . . . vel molestos, 'impertinent or troublesome, as you please:' cp. below, § 17.

6. licet inquit: Ell. strikes out *inquit* here, in consequence of the frequent repetition of the word. It is repeated in § 298, but only once: and certainly the fourth recurrence of the word could well be spared. It can only be defended here by the parenthesis, and by the endeavour to keep up a familiar tone. So **dixit . . . dicebat.**

7. heri: cp. Quintil. i. 7. 22 '"heri" nunc e littera terminamus: at veterum comicorum adhuc libris invenio "heri ad me venit" [Ter. Phorm. 6], quod idem in epistulis Augusti, quas sua manu scripsit aut emendavit, deprehenditur:' ib. i. 4. 8 'in "here" neque e plane neque i auditur.'

10. elicere: cp. i. 21. 97 'verbum ex eo (Crasso) nunquam elicere potui de vi ac ratione dicendi, cum et per memet ipsum egissem et per Drusum saepe temptassem.'

permulta . . . disseruisse, 'stated his views at great length.'

12. schola: probably as in i. 22. 102 of a school, not as in de Fin. ii. 1. 1 'scholam aliquam explicare,' of a discussion of a thesis, which would hardly suit the wide character of the discussion in

frater exoravit ne ipsum quidem a studio audiendi nimis abhorrentem, sed mehercule verentem, ne molesti vobis interveniremus, ut huc secum venirem; etenim Scaevolam ita dicere aiebat, bonam partem sermonis in hunc diem esse dilatam. Hoc tu si cupidius factum existimas, Caesari attribues; si familiarius, utrique nostrum; nos quidem, nisi forte molesti intervenimus,
4 venisse delectat.' Tum Crassus 'equidem, quaecumque vos causa
15 huc attulisset, laetarer, cum apud me viderem homines mihi carissimos et amicissimos; sed tamen, vere dicam, quaevis mallem fuisset, quam ista, quam dicis. Ego enim, ut, quem ad modum sentio, loquar, numquam mihi minus quam hesterno die placui; magis adeo id facilitate quam alia ulla culpa mea contigit, qui, dum obsequor adulescentibus, me senem esse oblitus sum fecique id, quod ne adulescens quidem feceram, ut eis de rebus, quae doctrina aliqua continerentur, disputarem. Sed hoc tamen cecidit mihi peropportune, quod transactis iam
16 meis partibus ad Antonium audiendum venistis.' Tum Caesar 'equidem,' inquit 'Crasse, ita sum cupidus in illa longiore te ac perpetua disputatione audiendi, ut, si id mihi minus contingat, vel hoc sim cotidiano tuo sermone contentus; itaque experiar equidem illud, ut ne Sulpicius familiaris meus aut Cotta plus

9. *quaevis causa EH*: *quaevis ea* Fr. 11. *sentio OPH* St H: *sentiam M* PKS. 21. *illud* om. *M*; incl. KH.

Book I. Cp. Tusc. i. 4. 8; Pis. 60. 65; ad Fam. ix. 22. 4, etc. (J. S. R.)

disputasse, 'discussed.'

3. **dicere**: imperf. for perf. for the sake of vividness, as after *memini*: Roby, § 1372. Caesar's words to his brother would be 'Scaevola tells me.'

4. **bonam partem**, 'a good part,' i.e. a good deal: cp. Hor. Sat. i. 1. 61 'bona pars hominum:' in Ter. Eun. 123 we have 'bonam magnamque partem ad te adtulit,' Ov. Pont. i. 8. 74; Quint. xii. 11. 19.

6. **nisi forte molesti intervenimus** is characteristic of the kindly courtesy of Catulus: Introd. p. 25.

8. **attulisset.** Roby, § 1558.

9. **vere dicam.** Cicero almost always uses the future in such phrases: see note on i. 21. 98.

12. **adeo**, 'in fact,' 'really.' Liv. iv. 2. 1 'id adeo non plebis quam patrum neque tribunorum magis quam consulum culpa accidere.'

13. **contigit**, not here in its more usual meaning of a happy chance (cf. Doederl. Synon. v. 339; Cic. in Cat. i. 16, with Halm's note): but of something natural or deserved: cp. Mayor on Phil. ii. § 17: Reid on Lael. § 8 (where it is distinctly used of bad fortune): Cat. M. §§ 8, 71; ad Att. viii. 7. 2 'contigit: victus sum.'

obsequor. Roby, § 1458.

senem: i. 45. 199 (note).

14. **ut**, explanatory. Madvig, § 374.

15. **doctrina continerentur**: cp. note on i. 2. 5.

17. **partibus**: in Cicero always in the plural, where it has the force of *rôle* (pro Marc. 9. 27 is not an exception). Quintilian first uses it in the singular with this meaning.

Tum Caesar equidem, inquit. Sorof puts a colon after Caesar, supposing the very common ellipse of the verb of saying, which is taken up, he thinks, by 'inquit.' This seems quite needless.

18. **ita sum . . . ut**, 'while I am . . . yet:' for *ita* restrictive cp. Roby, § 1704.

21. **illud** is omitted by *M* and bracketed by Kayser. But if it is omitted we have

quam ego apud te valere videantur, et te exorabo profecto, ut mihi quoque et Catulo tuae suavitatis aliquid impertias; sin tibi id minus libebit, non te urgebo neque committam, ut, dum vereare tu ne sis ineptus, me esse iudices.' Tum ille 'ego me- 17
hercule' inquit, 'Caesar, ex omnibus Latinis verbis huius verbi vim vel maximam semper putavi; quem enim nos ineptum vocamus, is mihi videtur ab hoc nomen habere ductum, quod non sit aptus, idque in sermonis nostri consuetudine perlate patet; nam qui aut tempus quid postulet non videt aut plura loquitur aut se ostentat aut eorum, quibuscum est, vel dignitatis vel commodi rationem non habet aut denique in aliquo genere aut inconcinnus aut multus est, is ineptus esse dicitur. Hoc vitio 18
cumulata est eruditissima illa Graecorum natio; itaque quod vim huius mali Graeci non vident, ne nomen quidem ei vitio

3. *licebit*, *BH* Lag. 36 K. *libebit*, ς SH. 4. *tum ille*, om. *B* incl. K.

a construction of 'experior' to which it would be hard to find a parallel. Translate, 'I will try this, viz. to prevent people from believing that, etc.' (J. S. R.)

1. **videantur**: the plural, rejected by Pearce and Ernesti, is supported by sufficient instances: cp. de Off. i. 41. 148 'nec quemquam hoc errore duci oportet ut si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere,' where Dr. Holden remarks '*aut* loses its disjunctive force in a negative clause.' Ep. Fam. iv. 5 (in a letter of Sulpicius) 'quid est quod tu aut illa cum fortuna hoc nomine queri possitis.' Hence the reading of the best MSS. adopted by Orelli, Keller, and Munro, 'aut qui,' in Hor. Sat. ii. 1. 65, is not grammatically incorrect, as Bentley asserted. Cp. Madvig, § 213 b. obs. 1. [But Dr. Reid doubts the sufficiency of the evidence, for Cic.]

3. **libebit** is decidedly better than Kayser's *licebit*, which less suits the tone of the passage. On the other hand, we must certainly read 'licet,' not 'libet' (as Umpfenbach does) in Ter. Andr. 816.

4. **vereare.** Roby, § 1778.

6. **vim vel maximam**, 'the very widest signification.' For this use of *vis*, 'force,' see note on i. 15. 64. Piderit defends this discussion of the word *ineptus* from the charge of being an irrelevant digression, on the ground that it is of the very essence of good oratory to observe the proper limits in everything. But Cicero elsewhere indulges in disquisitions on the poverty of the Greek language as compared with the Latin, not always very well founded. Cp. Tusc. ii. 15. 35.

ineptus is untranslateable: 'impertinent' often comes nearest to it: 'wanting in tact' is sometimes more exact.

7. **ductum**, 'derived:' *derivatum* in this sense is not earlier than Quintilian.

9. **plura**, 'too much.'

10. **quibuscum est**, 'with whom he has to do.'

11. **in aliquo genere**, sc. 'rerum,' 'under some circumstances.'

12. **inconcinnus**, 'awkward.'

multus, 'officious, troublesome' = πολυπραγμονῶν: the word generally means 'loquacious' (cp. § 358); but it is not limited to this sense, nor is it proper to give it that force here, as Pid. does, for this would be tautology after 'plura loquitur.' Cp. Plaut. Men. 316 'heu hercle hominem multum et odiosum mihi,' as Brix reads, though the text is doubtful.

13. **cumulata est**, 'abounds:' so 'ineptitudinis cumulatus' Caecilius (Ribbeck, Fragm. Com. p. 44).

eruditissima, 'with all its learning.' Cicero is speaking of course mainly of the Greeks as he knew them at Rome: the rhetoricians, grammarians, and *aretalogi*.

14. **ne nomen quidem**:—ἀνάρμοστος, which comes nearest to *ineptus* in formation, certainly does not correspond to it in force. It may be doubted whether ἄτοπος, which Wyttenbach suggested as an equi-

imposuerunt; ut enim quaeras omnia, quo modo Graeci ineptum
appellent, non reperies. Omnium autem ineptiarum, quae sunt
innumerabiles, haud sciam an nulla sit maior, quam, ut illi solent,
quocumque in loco, quoscumque inter homines visum est, de
rebus aut difficillimis aut non necessariis argutissime disputare.
Hoc nos ab istis adulescentibus facere inviti et recusantes heri
5 coacti sumus.' Tum Catulus 'ne Graeci quidem,' inquit 'Crasse,
19 qui in civitatibus suis clari et magni fuerunt, sicuti tu es nosque
omnes in nostra re publica volumus esse, horum Graecorum, qui
se inculcant auribus nostris, similes fuerunt, nec in otio sermones
20 huius modi disputationesque fugiebant; ac si tibi videntur, qui
temporis, qui loci, qui hominum rationem non habent, inepti,
sicut debent videri, num tandem aut locus hic non idoneus
videtur, in quo porticus haec ipsa, ubi nunc ambulamus, et
palaestra et tot locis sessiones gymnasiorum et Graecorum

3. *haud sciam M* PSH: *haud scio* Ell. K. *ulla H.* 7. *Tum Catulus M* PSKH: Hic incipit *A*: redeunt *E*, Lagg. 2, 4, 13, 32. 9. *qui se* ω: *qui ista* Reid. 10. *nec in otio M*: *nec tamen in otio OP.* 14. *inambulamus* St.

valent, quite coincides. But if there be no identical expression this is due to any cause rather than that to which Cicero ascribes it: it comes rather from their superior powers of analysis: the characters of ὁ ἄκαιρος, ὁ περίεργος and ὁ ἀδολέσχης in Theophrastus (Nos. ix, x, and xviii in Prof. Jebb's charming edition) all represent different sides of the *ineptus*.—For the Roman opinion of Greek talkativeness, cp. Sen. Ep. 40. § 40 'nunquam dubitavit (Haterius), nunquam intermisit. In Graecis hanc licentiam tuleris,' and other passages quoted by Mayor on Juv. iii. 73. So above, i. 22. 102.

2. **ineptiarum,** 'instances of want of taste:' i. 24. 111: Brut. 91. 315 'si nihil habere molestiarum nec ineptiarum Atticorum est, hic orator in illis numerari recte potest.' *ineptia* is not used, but 'nulla' implies it.

3. **haud sciam an**: 72. 209; i. 60. 255 (note).

5. **aut non,** 'or at any rate not.' Cp. i. 19. 85 (note): and Kühner, Ausf. Gr. ii. 708.

argutissime, 'most subtly:' or we might perhaps give the word the force of 'in great detail,' which it has in ad Att. vi. 5. 1 'litteras quam argutissimas.' Cp. de Leg. i. 2. 7 'nam quid Macrum numerem? Cuius loquacitas habet aliquid argutiarum, nec id tamen ex illa erudita Graecorum copia, sed ex librariolis Latinis.'

6. **recusantes,** 'under protest,' § 26 (note).

7. **Tum Catulus.** With these words the first portion of the Codex Abrincensis begins. Henceforward all important readings of this MS. will be noticed.

9. **horum Graecorum,** 'the Greeks whom we are accustomed to see.' Catulus appears in his usual character as a Philhellene.

10. **inculcant,** 'obtrude themselves upon,' a very strong word, not apparently elsewhere so used: cp. i. 28. 127.

nec in otio. The inferior MSS. have *nec tamen*, which expresses the meaning, but is not necessary: cp. § 62 'neque eam reperio:' Liv. iii. 55. 1 'consulatus sine ulla patrum iniuria, nec sine offensione fuit.'

15. **tot locis,** an adjectival expression qualifying *sessiones*; in Greek it would have been preceded by the article. Nägels. Stil. p. 22 and 203. Cp. iii. 3. 10 'C. Carbonis eodem illo die mors,' 'death on that very day.'

sessiones, 'seats:' cp. de Fin. v. 1. 2 'Polemo cuius illa ipsa sessio fuit.'

gymnasiorum et Graecorum disputationum. If Kayser were correct in supposing that the codd. mut. had *ad* not *et*, I should be inclined to bracket 'ad Gr. disp.,' not, as he does, 'gymn. ad Gr.' But the text is probably sound,

disputationum memoriam quodam modo commovent? Aut num importunum tempus in tanto otio, quod et raro datur et nunc peroptato nobis datum est? Aut homines ab hoc genere disputationis alieni, qui omnes ei sumus, ut sine his studiis vitam nullam esse ducamus?' 'Omnia ista' inquit Crassus 'ego alio 21
modo interpretor, qui primum palaestram et sedes et porticus etiam ipsos, Catule, Graecos exercitationis et delectationis causa non disputationis invenisse arbitror; nam et saeculis multis ante gymnasia inventa sunt, quam in eis philosophi garrire coeperunt, et hoc ipso tempore, cum omnia gymnasia philosophi teneant, tamen eorum auditores discum audire quam philosophum malunt; qui simul ut increpuit, in media oratione de maximis

1. *num importunum M* cum multis aliis. legebatur *inopportunum.* 7. *et delectationis* om. *M*: incl. KS. 8. *non disputationis* om. *M* incl. KH.

especially as *ipsos* in § 21 seems to point to a recent mention of the Greeks. There is no authority for Ell.'s *Graecarum*, which would mean 'discussions in the Greek language;' whereas we want here 'the discussions of the Greeks.'

gymnasiorum: cp. note on i. 13. 56; 21. 98.

2. **importunum.** Lambinus wanted to read *inopportunum*; but quite needlessly: *importunus* is originally the exact opposite of *opportunus*: thus all the Lagg. MSS. have in iii. 5. 18 'sedes huic nostro non importuna sermoni:' cp. Sall. Jug. 92. 7 'aggeribus turribusque et aliis machinationibus locus importunus.' [It is more difficult to determine the precise force of the word in Sall. Jug. 3. 2 'vi quidem regere patriam aut parentes . . . importunum est,' where Kritz notes 'significat autem *periculum et molestiam habet*; perhaps it is 'ill-omened.'] So in Tac. Ann. xii. 12 'Armeniam petunt id temporis importunam, quia hiemps occipiebat,' where however the word is doubtless coloured by its more usual meaning of 'savage, ruthless:' cp. note on i. 53. 230. The word *inopportunus* does not occur till late Latin. Nägelsb. Stil. p. 307. Cp. Madvig on de Fin. ii. 26, 85. Mayor on de Nat. Deor. iii. 32, 80.

3. **peroptato**: Roby, § 1138.

4. **vitam nullam** = βίον οὐ βιωτόν (Plat. Apol. 38 A): cp. Lael. 6. 22 'qui potest esse vita vitalis, ut ait Ennius,' 23. 86 'sine amicitia vitam esse nullam:' de Off. ii. 4. 15 'sine quibus vita omnino nulla esse potuisset;' ad Fam. ix. 8. 2.

5. **alio modo interpretor**, 'I look at differently.' So Lael. 5. 18 'eam sapientiam interpretantur' = 'they understand wisdom to be a thing,' etc. Cp. Curt. Princ. ii. 325.

6. **qui primum**, answered by 'otium autem,' in § 22, and 'quod addidisti tertium' in § 25.

7. **exercitationis causa.** *Exercitationis* is here evidently physical exercise, as in de Nat. Deor. ii. 36 'Corpora nostra motu et exercitatione recalescunt;' but this is by no means the only force of the word: cp. i. 57. 243; iii. 24. 94; and Div. in Caec. 15. 47 'usu forensi et exercitatione tironem.' Hence 'non disputationis' is almost necessary in order to bring out by contrast its physical sense. The words 'et delectationis' could be better spared, but the authority of *M* is not great as regards the omission of words, especially when there is a similarity of ending. I prefer therefore now to retain with Adler both the phrases formerly bracketed.

9. **garrire**, contemptuously of the 'chatter' of philosophers, as in de Nat. Deor. i. 39. 108 'tanta est impunitas garriendi.'

10. **cum**, followed by the conj. because, although it serves to explain 'tempore,' it has at the same time a concessive force, 'although the philosophers are in possession of.' *A* has *timeant*, a warning not to trust any MS. too blindly, and at the same time a valuable indication that its errors are likely to be those of a mechanical copyist, not of a tamperer with the text.

12. **qui . . . increpuit**, 'for as soon as its clink is heard.'

simul ut: cp. Reid on Acad. ii. 51.

Or. i.1.2. neque vero nobis cupientibus atque exoptantibus fructus otii datus est.
Arch §30. Themistoclem illum .. dixisse aiunt, cum ex eo quaereretur etc.

rebus et gravissimis disputantem philosophum omnes unctionis causa relinquunt; ita levissimam delectationem gravissimae, ut
22 ipsi ferunt, utilitati anteponunt. Otium autem quod dicis esse, adsentior; verum otii fructus est non contentio animi, sed re-
6 laxatio: saepe ex socero meo audivi, cum is diceret socerum suum Laelium semper fere cum Scipione solitum rusticari eosque incredibiliter repuerascere esse solitos, cum rus ex urbe tamquam e vinclis evolavissent. Non audeo dicere de talibus viris, sed tamen ita solet narrare Scaevola, conchas eos et umbilicos ad Caietam et ad Laurentum legere consuesse et ad omnem animi
23 remissionem ludumque descendere. Sic enim res sese habet, ut, quem ad modum volucris videmus procreationis atque utilitatis

3. *ipsi* ω: *isti* non temere Reid. 4. *animi non contentio* Fr.

3. **utilitati**, 'advantage:' cp. i. 9. 36.

4. **otii fructus est**, 'the true way of enjoying leisure is not to strain the mind but to relax the strain.'

5. **socero**: Q. Mucius Scaevola: Introd. p. 21–3.

cum is diceret = 'dicente:' cp. Roby, § 1724, Hale '*Cum*-constructions,' p. 185.

6. **semper fere** = ἀεὶ ὡς ἔπος εἰπεῖν: cp. Reid on Lael. § 2.

rusticari: cp. Hor. Sat. ii. 1. 71 'quin ubi se a volgo et scaena in secreta remorant | virtus Scipiadae et mitis sapientia Laeli, | nugari cum illo [Lucilio] et discincti ludere, donec | decoqueretur holus, soliti.'

7. **rus ex urbe.** Sorof notes that it is almost always Cicero's practice to bring together the local expressions, and to place first the words which denote the place to which movement is directed.

8. **vinclis**: So *A*: see note on i. 43. 194.

9. **umbilicos** has been explained by some to be a kind of sea-snail or sea-cockle, by others as 'small pebbles.' Valerius Maximus viii. 8. 1 (Halm) tells this story, apparently after Cicero: 'constat namque eos [Scipionem et Laelium] Caietae et Laurenti uagos litoribus conchulas et umbilicos lectitasse, idque se P. Crassus ex socero suo Scaevola, qui gener Laelii fuit, audisse saepe numero praedicavit:' (of course *P.* Crassus is a slip of memory for *L.* on the part of Val. Max.). Now the inferior MSS. of Valerius for *umbilicos* (cod. Bern. *obulicos*, corr. Pighius) have *calculos*, which all editors before Halm retain, whence it seems that the latter was at all events the traditional explanation.

10. **Caietam . . . Laurentum.** Caiēta—the modern Gaeta—on a remarkable promontory forming the northern extremity of the large and beautiful bay of Caieta. This bay 'early became a favourite place of resort with the Romans, and was studded with numerous villas. The greater part of these were on its northern shore, near Formiae; but the whole distance from thence to Caieta (about four miles) was gradually occupied in this manner, and many splendid villas arose on the headland itself, and the adjoining isthmus.' E. H. B. in Dict. Geog. Of Laurentum, where Pliny had a villa, described at great length in Ep. ii. 17, he writes 'Litus ornant varietate gratissima, nunc continua, nunc intermissa tecta villarum, quae praestant multarum urbium faciem, sive mari, sive ipso litore utare.' Cp. Burn's Rome and the Campagna, p. 23. The former was especially a summer, the latter a winter retreat, at all events under the Empire.

11. **ut . . . gestiant ac . . . cupiant.** The best MSS. have *gestiunt ac . . . cupiunt*, which some have attempted to defend as an anacoluthon; but such a construction would be quite out of place here. Lambinus, followed by Or. Henr. and Bake, struck out *ut*, but there is nothing to explain its insertion, if it be not genuine: hence it is perhaps better to acquiesce in the reading of the inferior MSS. with all recent editors.

12. **volucris** (so *A*), the gen. plur. being *volucrium* as well as *volucrum*, though the former is rare. Cp. Neue ii.[2] 37–8. Keller (Rhein. Mus. 1866, pp. 242–3)

suae causa effingere et construere nidos, easdem autem, cum aliquid effecerint, levandi laboris sui causa passim ac libere solutas opere volitare, sic nostri animi negotiis forensibus atque urbano opere defessi gestiant ac volitare cupiant vacui cura ac labore. Itaque illud ego, quod in causa Curiana Scaevolae dixi, 24 non dixi secus ac sentiebam: nam 'si,' inquam 'Scaevola, nullum erit testamentum recte factum, nisi quod tu scripseris, omnes ad te cives cum tabulis veniemus, omnium testamenta tu scribes unus. Quid igitur?' inquam 'quando ages negotium publicum? quando amicorum? quando tuum? quando denique nihil ages?' Tum illud addidi 'mihi enim liber esse non videtur, qui non aliquando nihil agit.' In qua permaneo, Catule, sententia meque, cum huc veni, hoc ipsum nihil agere et plane cessare delectat. Nam, quod addidisti tertium, vos esse eos, qui vitam insuavem 25 sine his studiis putaretis, id me non modo non hortatur ad disputandum, sed etiam deterret. Nam ut C. Lucilius, homo doctus et perurbanus, dicere solebat ea, quae scriberet neque se ab indoctissimis neque a doctissimis legi velle, quod alteri nihil intellegerent, alteri plus fortasse quam ipse; de quo etiam scripsit 'Persium non curo legere,'—hic fuit enim, ut noramus, omnium

1. *construere M* Fr. H: *constituere* ς. 17. *ea quae scriberet* om. *M*[1] incl. PK: habent Lagg. omnes (ex silentio Ell.): tuentur SH. 20. *noramus* codd. omnes, nisi quod *E* habet *non ignoramus*, quod temere adripuit K: miro modo Lag. 36 *volaterranus*.

shows that Vergil and Horace according to the best MSS. use *volucres* as subst., *volucris*, as adj.

3. **negotiis forensibus atque urbano opere.** The true order of the first two words, which gives the *chiasmus* of which Cicero is so fond, was restored by Ell. from *M*.

4. **gestiant,** 'are excited.'

5. **in causa Curiana:** Introd. p. 11.

13. **cum huc veni:** Roby, § 1717. Madvig on de Fin. v. 15. 41.

hoc ipsum nihil agere: Roby, § 1355.

14. **Nam,** used in *occupatio* or 'anticipation' of an objection (as in i. §§ 18, 71 (note), 246, 254), generally with the suggestion that there is nothing much in it: we may omit in translation: 'as for the third argument, which you threw in.'

16. **homo doctus et perurbanus.** Kayser quite needlessly brackets these words, which may be rendered 'though himself a learned and highly accomplished man:' cp. i. 16. 72 (note).

17. **ea, quae scriberet,** omitted in *M*, perhaps because the copyist of the archetype assumed the personal construction of *legi*: for which cp. Quint. x. 1. 96 'Horatius fere solus legi dignus,' and often in later Latin. The earliest instance of this construction however seems to be Ovid's 'dumque legar' (Trist. v. 14. 5). In Cicero we nowhere find 'to read a man.' Of course just below *Persium* is subject, not object to *legere.* Hence it is better to retain the words. [If they are omitted, read 'se *sua*,' and in Lucil. *mea* for *haec ego*. J. S. R.]

20. **Persium non curo legere . . . Laelium Decumum volo,** a trochaic tetrameter catalectic, probably from the 26th book of the Satires of Lucilius, which, as Lachmann and L. Mueller have shown, was the first of his published works. Plin. Nat. Hist. Praef. § 7, says 'praeterea est quaedam publica etiam eruditorum reiectio, utitur illa et M. Tullius extra omnem ingenii aleam positus, et (quod miremur) per advocatum defenditur: "Nec doctissimis—Manium Persium haec legere nolo,

fere nostrorum hominum doctissimus—'Laelium Decumum volo,' quem cognovimus virum bonum et non inlitteratum, sed nihil ad Persium; sic ego, si iam mihi disputandum sit de his nostris studiis, nolim equidem apud rusticos, sed multo minus apud vos; malo enim non intellegi orationem meam quam reprehendi.
7 Tum Caesar 'equidem,' inquit 'Catule, iam mihi videor navasse
26 operam, quod huc venerim, nam haec ipsa recusatio disputationis disputatio quaedam fuit mihi quidem periucunda. Sed cur impedimus Antonium, cuius audio esse partis, ut de tota eloquentia disserat, quemque iam dudum et Cotta et Sulpicius exspectat?'
27 'Ego vero' inquit Crassus 'neque Antonium verbum facere patiar

Iunium Congum volo." Quod si hoc Lucilius, qui primus condidit stili nasum, dicendum sibi putavit, Cicero mutuandum, praesertim cum de republica scriberet, quanto nos causatius ab aliquo iudice defendimus.' The praenomen Manius is evidently wrong here: the name of Persius was Gaius. Mr. Munro (Journal of Philology, viii. 207–210) has made it highly probable that Pliny wrote *Persium* in error for some other name: and that the full quotation, as it appeared in the (lost) opening of Cicero's de Republica was

'Nec doctissimis *scribuntur haec neque indoctissimis:*
Persium non curo legere, Laelium Decumum volo:
. . . . . Manium
[Persium] haec *ego* legere nolo, Iunium Congum volo.'

See note on i. 60. 256.

C. Persius is spoken of by Cic. Brut. 26. 99 as 'litteratus homo, quem significat valde doctum esse Lucilius.' He was quaestor in B.C. 146 (a date which confirms Mr. Munro's view that Lucilius was not born in B.C. 148, but twenty years earlier), and would naturally be dead by B.C. 91. Hence *ut noramus*, 'as we knew him,' not as Sorof and Pid. 'as we learnt from others:' Kühner gives the right explanation 'wie wir ihn kannten.' Nothing seems to be known of Decimus Laelius.

2. **nihil ad Persium**, 'nothing to Persius:' for *ad* = 'compared with' = πρός: cp. de Leg. i. 2. 6 'nihil ad Caelium.' Plaut. Trin. 723 'credo ad summos bellatores acrem fugitorem fore:' Liv. xxii. 22. 15 'homini non ad cetera Punica ingenia callido persuasit:' Madvig on Cic. de Fin. iii. 16. 52; Reid on Acad. i. 15.

3. **si iam**, 'if I *should* have to discourse:' cp. note on i. 50. 218; Munro on Lucret. i. 968.

5. **reprehendi**, 'disapproved.' So *reprehensor* is used for 'an adverse critic' in Acad. ii. 7, while *existimator* is a favourable or neutral critic.

6. **navasse operam**, 'to have spent my labour well:' *navare*, from the primary notion 'to act energetically,' acquires the force of 'to carry out successfully:' e.g. Tac. Hist. iii. 25 'bellum navare:' Brut. 81. 282 'qui quia navarat miles operam imperatori, imperatorem se statim esse cupiebat.' So 'operam reipublicae navare,' 'to be of good service to the state.'

7. **quod huc venerim**, 'in coming here.' Roby, § 1776.

recusatio, not quite so strong as 'refusal:' *recusare* is to object to do a thing, rather than to refuse; *recusatio* is originally a legal term, being the rejoinder on a *petitio*, and may be rendered 'protest.' Cp. pro Caec. 28. 81 'tu me ad verbum vocas; non ante veniam quam recusaro,' with the references in Jordan's note.

10. **exspectat**: cp. i. 62. 262: Madvig, § 213 a. obs., and especially Roby, § 1439: so de Div. i. 39. 84 'hac ratione et Chrysippus et Diogenes et Antipater utitur.' Here the three philosophers are represented as acting independently and not collectively. This principle explains also Brut. 8. 30; 11. 42; cp. below § 53. In Caes. B. Civ. i. 2 'intercedit M. Antonius, Q. Cassius, tribuni plebis,' Cassius is thrown in as a kind of afterthought: 'M. Antonius vetoed the resolution of the senate, and so did Cassius.' There is a large collection of similar examples by C. F. W. Müller, in Seyffert's Laelius, p. 78.

et ipse obmutescam, nisi prius a vobis impetraro'—'Quidnam?' inquit Catulus. 'Ut hic sitis hodie.' Tum, cum ille dubitaret, quod ad fratrem promiserat, 'ego' inquit Iulius 'pro utroque respondeo: sic faciemus; atque ista quidem condicione, vel ut verbum nullum faceres, me teneres.' Hic Catulus adrisit et 28
simul, 'praecisa' inquit 'mihi quidem est dubitatio, quoniam neque domi imperaram et hic, apud quem eram futurus, sine mea sententia tam facile promisit.'

Tum omnes oculos in Antonium coniecerunt, et ille 'audite vero, audite,' inquit 'hominem enim audietis de schola atque a magistro et Graecis litteris eruditum, et eo quidem loquar confidentius, quod Catulus auditor accessit, cui non solum nos Latini sermonis, sed etiam Graeci ipsi solent suae linguae subtilitatem elegantiamque concedere. Sed quia tamen hoc totum, quicquid 29
est, sive artificium sive studium dicendi, nisi accessit os, nullum

14. *quia tamen M* KS. *quoniam ς* PAH. *quicquid EH*: *quidquid* (ut solet) *A*.

1. **impetraro**: imitated by Tac. Dial. de Or. c. 16 'aperiam, inquit, cogitationes meas, si illud a vobis ante impetravero.'

2. **Ut hic sitis hodie**, 'that you spend the day here,' expressed elsewhere by *cum* or *ad*: ad Fam. iv. 13. 6 'qui me admodum diligunt, multumque mecum sunt:' ad Att. x. 4. 8 'Curio ad me fuit sane diu.'

3. **ad fratrem promiserat**, 'he had engaged himself to his brother:' *ad* however is not used as in the passage just cited, but is suggested by the ellipse of some verb of motion; e.g. 'cenatum se iturum.' Cp. Plaut. Stich. iv. 2. 16 'ad cenam hercle alio promisi foras;' de Fin. v. 1. 1 'itaque ad tempus ad Pisonem omnes.' Roby, § 1818.

4. **condicione** (sic *A*): cp. i. 22. 101 (note) and for the meaning Plaut. Capt. 179–180. Sorof renders 'in fact, on the terms you offer, you would keep me here, even though you uttered no word of invitation,' assuming that Crassus has virtually made the offer that he will allow Antonius to speak, and perhaps say something himself, if they will stay to dinner. But it is very awkward to take 'verbum nullum faceres' in a different sense from 'verbum facere' just above: and indeed the words themselves would hardly bear Sorof's meaning. 'Ista condicio' is the offer of a dinner. Hence Ell. who renders 'with the offer you make, you would keep me, though neither of you should utter a word about oratory,' is practically right.

7. **neque domi imperaram**, 'I had given no orders at home,' of course for dinner: the fuller form of the phrase is found in pro Rosc. Am. 21. 59 'puerum . . . cui cenam imperaret.'

sine mea sententia, 'without any expression of my opinion,' i.e. without having a word to say in the matter.

§§ 28–38. *Antonius, after an ironical prelude, asserts that the art of oratory does not admit of scientific treatment. But he allows that some rules, resulting from observation and experience, may be given for the guidance of a speaker. He magnifies the office of an orator, and claims all good speaking, on whatever subject it may be, as coming within the sphere of oratory.*

10. **vero**, 'by all means.'

de schola: cp. Or. 15. 47 'declamatorem de ludo.' Antonius is ridiculing throughout the self-confident airs of the Greek declaimers.

13. **subtilitatem**, 'delicate precision,' =ἀκρίβειαν, here in the choice of words: in iii. 11. 42 in pronunciation. Cp. i. 5. 17 (note).

14. **quia tamen**, 'seeing that after all:' there seems to be no reason for departing from the reading of the best MSS.

15. **artificium**, in Cic. quite equivalent to *ars*: 'system;' studium, 'pursuit,' i. 21. 96. The adjective from *ars* is always *artificiosus*.

os, i. 38. 175 (note).

potest esse, docebo vos, discipuli, id quod ipse non didici, quid
30 de omni genere sentiam.' Hic posteaquam adriserunt, 'res mihi
videtur esse' inquit 'facultate praeclara, arte mediocris; ars
enim earum rerum est, quae sciuntur; oratoris autem omnis
actio opinionibus, non scientia, continetur; nam et apud eos
dicimus, qui nesciunt, et ea dicimus, quae nescimus ipsi; itaque
et illi alias aliud eisdem de rebus et sentiunt et iudicant et nos
contrarias saepe causas dicimus, non modo ut Crassus contra me
dicat aliquando aut ego contra Crassum, cum alterutri necesse
sit falsum dicere, sed etiam ut uterque nostrum eadem de re alias
aliud defendat, cum plus uno verum esse non possit. Ut igitur
in eius modi re, quae mendacio nixa sit, quae ad scientiam non
saepe perveniat, quae opiniones hominum et saepe errores
8 aucupetur, ita dicam, si causam putatis esse, cur audiatis.' 'Nos
31 vero et valde quidem' Catulus inquit 'putamus atque eo magis,
quod nulla mihi ostentatione videris esse usurus; exorsus es
enim non gloriose, ut tu putas, magis a veritate, quam a nescio

1. *id* om. *B* incl. K: habent *AH* Lagg. opt. 2. *genere M* Fr: *genere dicendi* Ell. S. [*dicendi*] P. *de* hoc *omni* Reid. 12. *quae ad scientiam non saepe perveniat* incl. K Ell. *pertinent* H. 17. *non gloriose, ut tu putas, magis H* Fr. *non gloriose magis a veritate ut tu putas AE* KSH.

1. **quod ipse non didici**, i. 48. 208.
quid sentiam, i. 21. 98.

3. **facultate**, 'in the capacity,' which it requires: so Arist. Rhet. i. 2 defines rhetoric as δύναμις περὶ ἕκαστον τοῦ θεωρῆσαι τὸ ἐνδεχόμενον πιθανόν, not as a τέχνη. Cp. the definition in i. 20. 92, and the discussion in i. §§ 102–109. Sorof well points out the ambiguity which arises from the twofold force of *ars*.

5. **actio oratoris**, 'the activity of the orator' = πᾶσα πρᾶξις ῥήτορος. There is no reason with Bake to alter the word.

continetur, 'is limited by,' or 'is restricted to.'

8. **contra me dicat**: Introd. p. 14.

9. **alterutri** appears to be the only form used in the dative, though *alterius utrius* is found in the genitive. Cp. Plin. Ep. vii. 20. 6, and Neue Formenl. ii[2]. 257.

10. **alias aliud defendat**: instances of this were frequent enough in Cicero's own experience: among the most striking were his defence of Scamander, coupled with his subsequent defence of Cluentius, and his speeches for Gabinius and Vatinius, against whom he had delivered and published speeches previously. Cp. Quint. xi. 1. 73–4.

11. **plus uno**: Reid on Acad. ii. 147.

ut . . . ita dicam, 'I will speak with the limitations necessary in the case of a subject which,' etc.

12. **mendacio nixa sit**: cp. Plat. Phaedr. 260 E: ἡ ῥητορικὴ ψεύδεται καὶ οὐκ ἔστι τέχνη, ἀλλ' ἄτεχνος τριβή.

quae ad scientiam non saepe perveniat, bracketed by Ell., 'cum latine dici non possint, nisi de eo qui scientiae cupidus est;' but *pervenire* is often enough used of things, both in its literal and in its applied meaning: hence there is no objection to the words, and they are really needed after 'actio opinionibus non scientia continetur.' *H* has *in* (by a correction) *scientia*.

14. **aucupetur**, 'lays traps for,' Nägelsb. Stil. p. 392. The metaphor (from fowling) is very common in Cicero. Cp. Orat. 19. 63 'in eo ipso, quod delectationem aliquam dicendo aucupentur.'

17. **ut tu putas**, referring to *os* above.

a veritate, 'starting from the real facts of the case:' for this use of *veritas*, cp. i. 17. 77 (note).

a nescio qua dignitate, 'from any supposed high value:' *a* is omitted here by the best MSS., but can hardly be

qua dignitate.' 'Ut igitur de ipso genere sum confessus,' inquit 32 Antonius 'artem esse non maximam, sic illud adfirmo, praecepta posse quaedam dari peracuta ad pertractandos animos hominum et ad excipiendas eorum voluntates. Huius rei scientiam si quis volet magnam quandam artem esse dicere, non repugnabo; etenim cum plerique temere ac nulla ratione causas in foro dicant, non nulli autem propter exercitationem aut propter consuetudinem aliquam callidius id faciant, non est dubium quin, si quis animadverterit, quid sit, qua re alii melius quam alii dicant, id possit notare: ergo id qui toto in genere fecerit, is si non 33 plane artem, at quasi artem quandam invenerit. Atque utinam, ut mihi illa videor videre in foro atque in causis, item nunc, quem ad modum ea reperirentur, possem vobis exquirere! Sed de me videro; nunc hoc propono, quod mihi persuasi, quamvis ars non sit, tamen nihil esse perfecto oratore praeclarius; nam ut usum dicendi omittam, qui in omni pacata et libera civitate

13. *exquirere*: *M* KH: *exponere* ς PS.

spared. See Introd. p. 66 (note). Pid. explains 'excessive, so high or so indefinite that it cannot be more closely described.' I think this is to push the force of the expression too far.

1. **Ut**, 'while:' cp. Lael. 4. 14 'ut nihil boni est in morte, sic certe nihil mali.'

de ipso genere, 'on the general question.' The force of *ars* still remains ambiguous; for, as Sorof notices, he has not asserted or attempted to make good his proposition at all as bearing on the theory of the art, but only on its practical side. Reid well proposes 'artem *ei* esse.'

3. **ad pertractandos animos hominum**, 'for playing upon the feelings:' cp. i. 51. 222 'ita sensus mentisque hominum pertractat'—orator.

4. **ad excipiendas voluntates**: i.e. for the *captatio benevolentiae*: Introd. p. 54. The metaphor is again taken from hunting, *excipere* being the technical term used of the hunter who lies in wait for game driven out of thickets by the beaters: cp. Hor. Od. iii. 12. 10 'celer alto latitantem fruticeto excipere aprum,' with Orelli's note.

5. **magnam quandam**, 'a really important:' cp. i. 3. 12 (note).

6. **temere** = 'sine consilio,' 'carelessly,' lit. 'blindly, in the dark:' for the connexion with *tenebrae* cp. Stolz Lat. Gram. § 17. **nulla ratione**, 'with no method.' Cp. Ar. Rhet. i. 1 τῶν μὲν οὖν πολλῶν οἱ μὲν εἰκῇ ταῦτα δρῶσιν, οἱ δὲ διὰ συνήθειαν ἀπὸ ἕξεως· ἐπεὶ δὲ ἀμφοτέρως ἐνδέχεται, δῆλον ὅτι εἴη ἂν αὐτὰ καὶ ὁδοποιεῖν. δι' ὃ γὰρ ἐπιτυγχάνουσιν οἵ τε διὰ συνήθειαν καὶ οἱ ἀπὸ ταὐτομάτου, τὴν αἰτίαν θεωρεῖν ἐνδέχεται· τὸ δὲ τοιοῦτον ἤδη πάντες ὁμολογήσαιεν τέχνης ἔργον εἶναι. Cp. also i. 23. 109. Dr. Hugo Jentsch, 'De Aristotele Ciceronis in Rhetorica Auctore' (Guben, 1874), attempts to prove that Cicero's knowledge of Ar.'s Rhetoric was limited to i. cc. 1–3, and iii. c. 8. He succeeds in showing many differences in their points of view, and conclusions; but divergence is not identical with ignorance.

10. **toto in genere**, 'over the whole subject' of rhetoric, not merely in some one of its subdivisions; notice how this differs from *de omni genere* in § 29.

12. **videor videre**: a play upon words of which Cicero is fond, e.g. de Fin. v. 2. 4 'Carneadis, quem videre videor.'

13. **reperirentur**, attracted into the tense of *possem* (Roby, § 1510), which is not only better supported than the old reading *possim*, but better in itself: it suits the modesty of the tone of Antonius to express his wish in the form which indicates that he regarded it as unattainable. Madvig, § 361, obs. 1.

14. **de me videro**, 'I will look to myself hereafter,' a formula by which the consideration of a question is postponed for the time, cp. Roby, § 1593; Madvig, § 340, obs. 4.

dominatur, tanta oblectatio est in ipsa facultate dicendi, ut nihil hominum aut auribus aut mentibus iucundius percipi possit.
34 Qui enim cantus moderata oratione dulcior inveniri potest? Quod carmen artificiosa verborum conclusione aptius? Qui actor imitanda quam orator suscipienda veritate iucundior? Quid autem subtilius quam crebrae acutaeque sententiae? Quid admirabilius quam res splendore inlustrata verborum? Quid plenius quam omni genere rerum cumulata oratio? Neque ulla non propria oratoris res est, quae quidem ornate dici graviterque debet. Huius est in dando consilio de maximis rebus cum dignitate
35 explicata sententia; eiusdem et languentis populi incitatio et effrenati moderatio; eadem facultate et fraus hominum ad perniciem et integritas ad salutem vocatur. Quis cohortari ad

11. *etiam guentis AEH*, unde *B etiam gentis* (*lan* in lacuna addidit H^2).

1. **dominatur**: cp. i. 8. 30. The thought expresses rather what Cicero held *ought* to be the case, than what experience proves to be true. Of recent English statesmen some have been as conspicuous for the absence of any great oratorical powers as others for their presence.

§ 34. Adler (Programm: Halle, 1868) justly calls attention to the exquisite balance and finish of this eulogium of oratory: 'laus, qua dicendi artem Antonius ornat, ipsa artificiosissima est.'

3. **moderata**, 'well-balanced,' in which due regard is paid to the rhythm and euphony of the successive clauses. Cp. Orat. 53. 178 'itaque et longiora et breviora iudicat [animus] et perfecta ac moderata semper expectat.' The old reading 'moderata [or -tae] orationis pronuntiatione,' expelled first by Ell., is evidently due only to an explanatory gloss on *oratione*, which here denotes the delivery of a speech. **cantus** = 'music.'

4. **artificiosa**, 'artistic.'

verborum conclusione, 'period,' iii. 44. 174. Or. 5. 20 (Sandys), 61, 204. Brut. 8. 33 'Ante hunc [Isocrates] enim verborum quasi structura et quaedam ad numerum conclusio nulla erat.'

aptius, 'more symmetrical,' 'well-rounded.' Cp. Or. 44. 149 'ut comprehensio [i. q. conclusio] numerose et apte cadat;' 50. 168 'genus illud tertium explicetur quale sit, numerosae et aptae orationis;' *numerosus* and *aptus* often go together so as to be almost synonymous.

5. **suscipienda veritate**, 'undertaking the charge of some case in real life:' the somewhat strained expression is due to the analogy of 'suscipere causam,' etc. Cp. iii. 17. 63 'suscepit patrocinium voluptatis.'

6. (**est**) **subtilius**, 'gives more precision:' *subtilis* is often so coupled with *acutus*: e. g. § 98 'acutissimum et subtilissimum dicendi genus.'

sententiae, 'reflexions' = γνῶμαι: thus Euripides is called by Quintil. x. 1. 68 'sententiis densus,' and Sallust (§ 108) 'sententiis crēber' and we still speak of a 'sententious' writer.

7. **splendore**: Ernesti (Lex. Technol. s.v.) defines the three requisites of *splendor* to be '(1) claritas et perspicuitas, (2) dignitas ex ornatu et magnificentia, (3) mundities elegantia et puritate delectans.' Cp. iii. 31. 125.

plenius, 'richer.'

9. **quae quidem**, 'provided that it:' in such restrictive clauses we find both the ind. and the conj.: cp. pro Mil. 1. 3 'reliqua vero multitudo, quae quidem est civium, tota nostra est,' pro Sest. 67. 140. Roby, §§ 1692, 1693.

11. **sententia**, not in a technical sense, but simply 'opinion.' Cicero keeps in view here the three main genera of eloquence: (1) 'genus deliberativum,' (*a*) in the senate, (*b*) in the contio; (2) 'g. iudiciale;' (3) 'g. demonstrativum,' which includes panegyrics, exhortations, censures, consolations, etc. Introd. p. 52. History was added by some, and Cicero inclines to agree with them (Or. 11. 37, 61. 207). Hence 'historia vero.'

13. **Quis . . . consolando?** Nägelsb.

virtutem ardentius, quis a vitiis acrius revocare, quis vituperare improbos asperius, quis laudare bonos ornatius, quis cupiditatem vehementius frangere accusando potest? Quis maerorem levare mitius consolando? Historia vero testis temporum, lux veritatis, 36
vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur? Nam si qua est ars alia, quae verborum aut faciendorum aut legendorum scientiam profiteatur; aut si quisquam dicitur nisi orator formare orationem eamque variare et distinguere quasi quibusdam verborum sententiarumque insignibus; aut si via ulla nisi ab hac una arte traditur aut argumentorum aut sententiarum aut denique discriptionis atque ordinis, fateamur aut hoc, quod haec ars profiteatur, alienum esse aut cum alia aliqua arte esse commune: 37

7. *verborum aut legendorum M.* *verborum aut faciendorum aut legendorum* KS: *aut faciendorum aut deligendorum* ς PAH. 10. *via* ab *ulla* maluit Reid. 13. *aliqua arte alia AH*: *alia* delet Fr.

Stil. p. 472, quotes this as an example of a skilfully constructed period, with *chiasmus* in the first two clauses, *anaphora* in the next two, and a mixed structure in the last two.

3. **accusando,** 'by inveighing against it:' cp. i. 58. 246.

6. **Nam** refers back to 'neque ulla non propria oratoris res est.' This is true because no other art shares the orator's skill either in the creation and choice of words, or in moulding and adorning his style, or in the production of proofs and general reflexions, or in the due arrangement of the various parts of his speech. The first two clauses deal with two aspects (a narrower and a more general one) of *elocutio*, the third with *inventio*, the fourth with *dispositio*.

7. **faciendorum,** 'coin:' so in iii. 37. 149 '(verba) quae novamus et facimus ipsi;' 38. 154; 42. 167: 'facere orationem,' as used in Pid.'s reff. here (i. 14. 63; iii. 48. 184) has a different sense: it is rather to finish or polish one's language.

legendorum: so all the codd. mutili; and the use of *legere* = 'to choose' is quite Ciceronian: cp. iii. 37. 150, and de Fin. iv. 15. 40 'omnia, quae leget quaeque reiciet;' hence Pid. has no reason for accepting *deligendorum* from the inferior MSS.

8. **si quisquam**: Madvig, § 494 b.

9. **distinguere,** 'give it brilliancy:' by the *insignia*, 'trappings,' a less usual term for the technical phrase 'lumina orationis:' hence the apologetic 'quasi quibusdam' = 'by what we may perhaps call.' The Greek term is σχήματα: hence *insignia* can hardly be a translation. Cp. Brut. 17. 69 'ornari orationem Graeci putant, si verborum immutationibus utuntur quos appellant τρόπους, et sententiarum orationisque formis, quae vocant σχήματα.' Or. 25. 83 'illam concinnitatem quae verborum collocationem illuminat eis luminibus, quae Graeci quasi aliquos gestus orationis σχήματα appellant.' The σχήματα were divided into (1) the σχήματα λέξεως (lumina verborum); (2) σχήματα διανοίας (lumina sententiarum); (3) σχήματα τῶν ὑποθέσεων (lumina orationis). In iii. 25. 96 Cic. has 'ut sint quasi in ornatu disposita quaedam insignia et lumina.' Cp. iii. 53. 202–54. 208, and Or. 39. 134–138 (with Sandys' note on 134).

10. **via,** 'method,' i. 4. 14.

11. **discriptionis,** not *descriptionis* as the MSS. have here, followed by Kayser (not by Pid. or Sorof): see note on i. 13. 58, and Bücheler, Rhein. Mus. xiii. 598.

13. **alienum esse,** 'belongs really to some other art.'

cum alia aliqua arte: Draeger, Hist. Synt.[1] i. p. 72, points out that while *alius quis* is more common in silver Latin, *alius aliquis* is alone found in Cicero, e. g. de Fin. ii. 33. 109, iv. 17. 46, etc.

sed si in hac una est ea ratio atque doctrina, non, si qui aliarum artium bene locuti sunt, eo minus id est huius unius proprium; sed ut orator de eis rebus, quae ceterarum artium sunt, si modo eas cognovit, ut heri Crassus dicebat, optime potest dicere, sic ceterarum artium homines ornatius illa sua dicunt, si quid ab hac
38 arte didicerunt. Neque enim si de rusticis rebus agricola quispiam aut etiam, id quod multi, medicus de morbis aut si de pingendo pictor aliquis diserte scripserit aut dixerit, idcirco illius artis putanda est eloquentia; in qua quia vis magna est in hominum ingeniis, eo multi etiam sine doctrina aliquid omnium generum atque artium consequuntur; sed, quid cuiusque sit proprium, etsi ex eo iudicari potest, cum videris, quid quaeque doceat, tamen hoc certius esse nihil potest, quam quod omnes artes aliae sine eloquentia suum munus praestare possunt, orator sine ea nomen obtinere suum non potest; ut ceteri, si diserti sint, aliquid ab hoc habeant, hic, nisi domesticis se instruxerit
10 copiis, aliunde dicendi copiam petere non possit.' Tum Catulus
39 'etsi,' inquit 'Antoni, minime impediendus est interpellatione iste

1. *sed si* PASH. *at si* K. *et si* codd. sed *communes. et M.* 4. *cognovit M*: vulgatum *cognorit* unus L. 4. 12. *quid quaeque doceat* KSH: *doceant* ω nisi quod in *M* legitur *videris quidque tamen*: unde mavult Adler *quid quique* (sc. artifices) *doceant.* 13. *quam quod omnes* ω: *quod omnes* Madvig. (Advers. ii. 185).

1. **sed si . . . doctrina,** 'but if it belongs to this art alone to state principles and impart instruction in all this.'

ea ratio atque doctrina, 'the systematic teaching of all this:' cp. note on *hanc similitudinem,* § 53.

si qui aliarum artium, 'any professor of other branches of knowledge:' and below 'ceterarum artium homines:' cp. i. 27. 124. But Dr. Reid suspects that *ui* has been lost after *aliarum.*

non eo, 'it does not therefore follow that:' *idcirco* is more usual with this construction; but cp. § 47 and Nägelsb. p. 519.

4. **heri**: i. 14. 62 ff.

6. **de rusticis rebus**: i. 16. 69; **de morbis,** like Asclepiades, i. 14. 62.

agricola quispiam . . . pictor aliquis: no distinction can be drawn between the use of these two pronouns: cp. Draeger, Hist. Synt. i. p. 79.

7. **id quod multi,** sc. 'fecerunt:' cp. i. 59. 253 (note).

multi goes with *omnium generum atque artium,* and is like 'ceterarum artium homines.'

12. **ex eo cum**: for *cum* thus explanatory cp. the quotations in Lübbert 'Syntax v. quom,' pp. 105 ff. (J. S. R.)

13. **certius,** 'a more convincing proof;' **hoc** (abl.) is explained by 'quam quod' etc., and is pleonastic: cp. i. 37. 169 (note). Hence it is needless with Madvig to reject 'quam.'

14. **aliae,** 'of a different kind.'

15. **ut ceteri,** not (as explained by Pid.[4]) dependent upon 'certius,' but as Adler rightly sees = 'so that.'

16. **domesticis,** 'furnished by himself:' i.e. drawn from his own stores. Cp. Or. 38. 132 'uterer exemplis domesticis,' derived from his own speeches.

§§ 39–73. *After some compliments from Catulus and Crassus* (§§ 39–40) *Antonius proceeds to discuss the proper sphere of rhetoric. He excludes the usual genus demonstrativum, as needing no special precepts* (§§ 43–50); *and also history, the mention of which gives occasion for a rapid survey of the chief Greek historians* (§§ 51–58). *Caesar praises his knowledge of Greek literature, to which Antonius replies that it is confined to the historians and orators* (§§ 59–61). *He then goes on*

cursus orationis tuae, patiere tamen mihique ignosces; "non enim possum, quin exclamem," ut ait ille in Trinummo: ita vim oratoris cum exprimere subtiliter visus es, tum laudare copiosissime; quod quidem eloquentem vel optime facere oportet, ut eloquentiam laudet; debet enim ad eam laudandam ipsam illam adhibere, quam laudat. Sed perge porro; tibi enim adsentior vestrum esse hoc totum diserte dicere, idque si quis in alia arte faciat, eum adsumpto aliunde uti bono, non proprio nec suo.' Et Crassus 'nox te' inquit 'nobis, Antoni, expolivit 40
hominemque reddidit; nam hesterno sermone unius cuiusdam

to show that no rules are given by the rhetoricians for writing history, nor for other branches of literary activity which require to be handled with eloquence (§§ 61–64). *The same is the case with the discussion of abstract propositions, which some assign to the orator; but rules for these are really needless; any one who has mastered the more difficult problems of his art, will need no directions how to deal with the easier ones* (§§ 65–70). *He reasserts in reply to a doubt expressed by Catulus, that forensic oratory is really the most difficult of all* (§§ 71–73).

1. **cursus,** 'flow.'

non enim, etc. Trin. 705 'Nón enim possum quín exclamem euge, eúge, Lysitelés: πάλιν: fácile palmam habés: hic uictust: uícit tua comoédia.' Ritschl (N. Plaut. Exc. p. 112) has shown that Plautus probably wrote 'Noénum,' which he restores to the text; but he does not doubt that the corruption was earlier than Cicero's time. Hence it is doubtful whether Friedrich and Harn. are right in reading 'noenum' here. On the other hand we must restore 'noenum' in the fragment of Ennius quoted by Cic. de Sen. 4. 10 'noenum rumores ponebat ante salutem,' though the MSS. there all give 'non ponebat enim.'

2. **ille**: Stasimus, the speaker, not Plautus, which would be against Cicero's practice in quotations: cp. Kühner on Tusc. i. 14. 31.

3. **exprimere,** not so usual without 'verbis,' 'oratione,' or some such expression, but cp. ad Att. viii. 11. 11, Acad. ii. 77.

subtiliter, 'with precision,' i. 98.

5. **ut . . . laudet,** as often, explanatory of *quod*: the infin. is sometimes used in the same way, e.g. de Off. iii. 32. 112 'quod cum audivisset filius adulescens, negotium exhiberi patri.'

8. **proprio** X communi: **suo** X alieno. Cp. i. 50. 217.

10. **hominemque reddidit** = 'humanumque reddidit:' cp. ad Att. iv. 15. 2 'si vis homo esse;' ii. 2. 2 'si homo esset,' with Boot's note.

unius cuiusdam operis (sc. hominem) = 'operarium quendam:' i. 18. 83; 62. 263 (so Sorof). So in Brut. 73. 257, *operarii* and *baiuli* are contrasted with accomplished painters and sculptors. For baiulus cp. Gell. v. 3 'Protagoram . . . . adulescentem aiunt victus quaerendi gratia in mercedem missum vecturasque onerum corpore suo factitavisse, quod genus Graeci ἀχθοφόρους vocant, Latine baiulos appellamus.' Fest. s.v. 'baiulos dicebant antiqui, quos nunc dicimus operarios.' The origin of the word is quite obscure: to connect it with φέρω, *bear*, etc. as is done even by Lewis and Short, is to bid defiance to phonetic laws. Pott's notion (Et. Forsch. ii. 276) of connecting it with Skt. *vah* is not much better: and it must remain at present an unsolved problem (cp. Ascoli in Kuhn's Ztschr. xvii. 267). For Statius Caecilius, according to some ancient critics, the best of all the Roman comic poets, often quoted by Cicero (e.g. Lael. 99, de Sen. 36, de Fin. i. 4), cp. Mommsen, ii. 441. The extant fragments are collected by Ribbeck, Com. pp. 35–81. He (p. 78) takes 'operis remex' together, as the whole extent of the quotation from Caecilius; but this gives a harsh phrase and it is more probable that the words of Caecilius are merely 'remigem aliquem aut baiulum' and that 'unius cuiusdam operis,' are parallel. In this case it is almost necessary to read '*et* ut,' as Dr. Reid suggests. Most editors regard 'operis remigem aliquem aut baiulum' as the quotation from Caecilius: translate then 'as a mere galley-slave or porter, who is always plying the same mechanical task.'

operis, ut ait Caecilius, remigem aliquem aut baiulum nobis oratorem descripseras, inopem quendam humanitatis atque inurbanum.' Tum Antonius 'heri enim' inquit 'hoc mihi proposueram, ut, si te refellissem, hos a te discipulos abducerem; nunc, Catulo audiente et Caesare, videor debere non
41 tam pugnare tecum quam quid ipse sentiam dicere. Sequitur igitur, quoniam nobis est hic, de quo loquimur, in foro atque in oculis civium constituendus, ut videamus, quid ei negotii demus cuique eum muneri velimus esse praepositum; nam Crassus heri, cum vos, Catule et Caesar, non adessetis, posuit breviter in artis distributione idem, quod Graeci plerique posuerunt, neque sane quid ipse sentiret, sed quid ab illis diceretur, ostendit: duo prima genera quaestionum esse, in quibus eloquentia versaretur, unum
42 infinitum, alterum certum. Infinitum mihi videbatur id dicere, in quo aliquid generatim quaereretur, hoc modo: expetendane esset eloquentia? expetendine honores? Certum autem, in quo quid in personis et in constituta re et definita quaereretur; cuius modi sunt, quae in foro atque in civium causis disceptationibusque
43 versantur. Ea mihi videntur aut in lite oranda aut in consilio dando esse posita; nam illud tertium, quod et a Crasso tactum est et, ut audio, ipse Aristoteles, qui haec maxime inlus-

4. *a te H*: *ante AE*. 7. *nobis* ς *vobis M* Fr. *loquitur AH*. *in oculis* ς *oculis M* Fr. 20. *tactum* ς H St S. *tractatum M*.

2. **descripseras**, as often of an unfavourable picture: cp. note on Hor. Ep. ii. 1. 154.

3. **enim**, 'Yes, for.' **heri**: i. 31. 138 ff.

9. **velimus**, etc., 'we hold that he has appointed to discharge.'

10. **posuit**, 'stated,' as in i. 15. 65; not as in § 2.

12. **prima genera**, 'main divisions:' abstract and concrete: cp. Introd. p. 60. The division was first made by Hermagoras: cp. Volkmann, Rhetorik, p. 34.

17. **in personis**, 'with reference to individuals:' cp. i. 32. 144 (note).

18. **disceptationibus**, the usual word for discussions of questions falling under the *genus deliberativum*: cp. i. 15. 65. Introd. p. 56.

19. **oranda**, '*orare*, antiquos dixisse pro *agere* testimonio est, quod *oratores* dicti et causarum actores et qui rei publicae mandatas causas agebant,' Festus, p. 198 (Müller). The archaic use remains in this legal phrase: cp. de Off. iii. 10. 43 'litis orandae tempus.'

20. **illud tertium**, i.e. the *genus demonstrativum*: **tactum**, i. 31. 141.

21. **ut audio**. Antonius desires to keep up the impression of his ignorance of Greek literature. He admits (§ 61) having looked at some philosophical treatises, but not at any on rhetoric.

Aristoteles, Rhet. i. 3. 1 ἔστι δὲ τῆς ῥητορικῆς εἴδη τρία τὸν ἀριθμόν . . . ὥστε ἐξ ἀνάγκης ἂν εἴη τρία γένη τῶν λόγων τῶν ῥητορικῶν, συμβουλευτικὸν δικανικὸν ἐπιδεικτικόν. Cp. Introd. p. 56, and Cic. de Inv. i. 5. 7 'Aristoteles autem, qui huic arti plurima adiumenta atque ornamenta subministravit, tribus in generibus versari rhetoris officium putavit, demonstrativo, deliberativo, iudiciali.' On Cicero's relation to Aristotle Prantl (Gesch. der Logik, i. p. 512, note) writes: 'All the passages in which Cicero names the name of Aristotle are revolting from the audacity of the man, who, without any capacity whatever for understanding him,

travit, adiunxit, etiamsi opus est, minus est tamen necessarium.'
'Quidnam?' inquit Catulus; 'an laudationes? Id enim video
poni genus tertium.' 'Ita,' inquit Antonius 'et in eo quidem **11**
genere scio et me et omnis, qui adfuerunt, delectatos esse 44
vehementer, cum a te est Popilia, mater vestra, laudata, cui
primum mulieri hunc honorem in nostra civitate tributum puto.
Sed non omnia, quaecumque loquimur, mihi videntur ad artem
et ad praecepta esse revocanda; ex eis enim fontibus, unde 45
praecepta dicendi sumuntur, licebit etiam laudationem ornare
neque illa elementa desiderare, quae ut nemo tradat, quis est qui
nesciat, quae sint in homine laudanda? Positis enim eis rebus,
quas Crassus in illius orationis suae, quam contra conlegam
censor habuit, principio dixit: quae natura aut fortuna darentur
hominibus, in eis rebus se vinci posse animo aequo pati; quae
ipsi sibi homines parare possent, in eis rebus se pati non
posse vinci; qui laudabit quempiam, *primum* intelleget ex-
ponenda sibi esse fortunae bona; ea sunt generis, pecuniae, 46
propinquorum, amicorum, opum, valetudinis, formae, virium,

11. *possit enim in rebus*: codd. mutili (A poss^it, eadem manu correctum) *positis enim eis rebus* Ell. SPH. *posita enim in eis sunt rebus* K. 15. *pati non posse vinci M.* 16. *primum* addidit Sauppius quo tamen aequo animo carere possimus.

presumes to pass judgment either of praise or blame.'

haec = 'our subject.'

1. **opus est**, 'of service:' cp. ad Fam. i. 9. 25 'legem curiatam consuli ferri opus esse, necesse non esse:' Cato apud Senec. Ep. 94, § 28 'Emas non quod opus est, sed quod necesse est:' cp. below, § 326. Antonius discusses this division briefly in §§ 341–349.

2. **video.** Catulus speaks as an accomplished Greek scholar.

3. **Ita**, 'yes,' the most usual way of expressing an affirmative: *sic* and *etiam* are used in the same way.

5. **Popilia**: Introd. p. 25. The custom of pronouncing funeral orations over eminent men was one of great antiquity at Rome. The first instance in which the honour of a *laudatio* was allowed to women was, according to Liv. v. 50. 7, in the case of those who had contributed their gold ornaments to make up the ransom paid to the Gauls. Cp. Plut. Camill. 8; de Mul. Virt. vii. p. 1. We have well-known later examples in the speeches delivered by Julius Caesar over his aunt Julia, the widow of Marius, and his wife Cornelia, and by Augustus over his grandmother, Julia, the widow of M. Atius Balbus: there are numerous other instances, and fragments of two such *laudationes* are preserved in Orell. Inscript. 4859 and 4860.

8. **unde praecepta dicendi sumuntur**: the good MSS. give *unde ad omnia ornamenta dicendi praecepta sumuntur*, whence most recent editors read '*unde omnia ornamenta dicendi sumuntur*:' but Friedrich shows that *ad omnia ornamenta* is probably an adscript, *loquimur* is contrasted with *dicendi*: everything that we say does not need to be derived from rules of oratory. 'Rules' may be drawn from 'sources,' but hardly 'ornaments.'

10. **desiderare**, sc. *opus erit*, to be supplied from **licebit**: cp. i. 13. 59 (note); 58. 246: similarly in iii. 10. 38 'neque enim conamur docere . . . neque sperare [audemus],' etc. **elementa**, 'rules of the schools.'

quae ut nemo tradat, 'for even if no one teaches them.'

11. **Positis enim eis rebus**, 'for if he lays down to start with those things:' the reading here is very uncertain.

12. **contra conlegam**: Introd. p. 11.

ingenii et ceterarum rerum, quae sunt aut corporis aut extraneae; si habuerit, bene rebus eis usum; si non habuerit, sapienter caruisse; si amiserit, moderate tulisse; deinde, quid sapienter is, quem laudet, quid liberaliter, quid fortiter, quid iuste, quid magnifice, quid pie, quid grate, quid humaniter, quid denique cum aliqua virtute aut fecerit aut tulerit: haec et quae sunt eius generis facile videbit, qui volet laudare; et qui vitu-
47 perare, contraria.' 'Cur igitur dubitas,' inquit Catulus, 'facere hoc tertium genus, quoniam est in ratione rerum? Non enim, si est facilius, eo de numero quoque est excerpendum.' 'Quia nolo,' inquit, 'omnia, quae cadunt aliquando in oratorem, quamvis exigua sint, ea sic tractare, quasi nihil possit dici sine
48 praeceptis suis; nam et testimonium saepe dicendum est ac non numquam etiam adcuratius, ut mihi etiam necesse fuit in Sex. Titium, seditiosum civem et turbulentum; explicavi in eo testimonio dicendo omnia consilia consulatus mei, quibus illi tribuno plebis pro re publica restitissem, quaeque ab eo contra rem publicam facta arbitrarer, exposui; diu retentus sum, multa audivi, multa respondi. Num igitur placet, cum de eloquentia praecipias, aliquid etiam de testimoniis dicendis quasi in arte
12 tradere?' 'Nihil sane' inquit Catulus 'necesse est.' 'Quid si,
49 quod saepe summis viris accidit, mandata sint exponenda aut in senatu ab imperatore, aut ad imperatorem aut ad regem aut

1. *et* deletum esse voluit Reid. 2. *si habuerit*: ante haec verba lacunam frustra suspicatur fuisse K. 14. *mihi etiam necesse*: *M* K: *mihi necesse* SP. Ell. 15. *testimonium* *HM*[2] Fr. delet.

2. **usum**, sc. 'esse dicet.'

3. **deinde**, i.e. turning to the credit which a man may claim for his own conduct. The repetition of *sapienter* is very suspicious.

9. **est**: so all the best MSS.: *inest*, retained by Pid. and Sorof, looks much more like a correction. Ell. has quoted many examples of 'est' used as here, 'it lies in the nature of the case;' i.e. because the character and circumstances of a man make it always easy to praise or blame him.

10. **eo**: cp. § 37.

quoque, 'besides this,' almost otiose.

13. **suis**, 'special' =*propriis* in § 49.

et testimonium, a slight anacoluthon: the natural sequence would have been *et mandata exponenda*: but the illustration of the first topic leads to a digression, so that the second is introduced in a new form. Cp. i. 49. 214 (note).

15. **Titium**: Introd. p. 14.

20. **praecipias**: the indef. 'you,' which requires the subjunct.: Roby, §§ 1544, 1546. Here however it is also required by the notion of 'indefinite frequency.'

quasi in arte, 'as though this came within the sphere of the art.'

22. **accidit**. Ell. shows by a large collection of instances that *accidit* by no means necessarily connotes the idea of misfortune, as has often been asserted.

23. **ab imperatore**: a general might request some friend in the senate to state before them the requirements of his army. This suits the general context, that even *summi viri* have to make speeches on special subjects without special knowledge.

ad imperatorem, 'to be conveyed to a general.'

ad populum aliquem a senatu, num quia genere orationis in eius
modi causis adcuratiore est utendum, idcirco pars etiam haec
causarum numeranda videtur aut propriis praeceptis instruenda?'
'Minime vero,' inquit Catulus; 'non enim deerit homini diserto
in eius modi rebus facultas ex ceteris rebus et causis comparata.'
'Ergo item' inquit 'illa, quae saepe diserte agenda sunt et quae 50
ego paulo ante, cum eloquentiam laudarem, dixi oratoris esse,
neque habent suum locum ullum in divisione partium neque
certum praeceptorum genus et agenda sunt non minus diserte,
quam quae in lite dicuntur, obiurgatio, cohortatio, consolatio,
quorum nihil est, quod non summa dicendi ornamenta desideret;
sed ex artificio res istae praecepta non quaerunt.' 'Plane' inquit
Catulus 'adsentior.' 'Age vero,' inquit Antonius 'qualis oratoris 51
et quanti hominis in dicendo putas esse historiam scribere?' 'Si,
ut Graeci scripserunt, summi,' inquit Catulus; 'si, ut nostri, nihil
opus est oratore; satis est non esse mendacem.' 'Atqui, ne
nostros contemnas,' inquit Antonius, 'Graeci quoque ipsi sic
initio scriptitarunt, ut noster Cato, ut Pictor, ut Piso; erat enim 52
historia nihil aliud nisi annalium confectio, cuius rei memoriaeque
publicae retinendae causa ab initio rerum Romanarum usque ad

1. *eius modi causis MKS*: *huius modi causis* P. 10. *cohortatio*: post hoc verbum desunt duo folia in *A*.

7. **paulo ante**, § 35.

8. **neque** and **et** correspond: the second *neque* introduces a subordinate clause.

12. **artificio**, 'system,' as in § 29, and i. 32. 146.

13. **Age vero**, 'but further:' i. 8. 32 (note).

16. **Atqui**, a word well discussed by Fleckeisen, Crit. Misc. p. 25.

ne, '(and this I say) that you may not:' cp. Roby, §§ 1660, 1662.

18. **Cato**: Teuffel, § 109. **Pictor**, ib. § 105. Q. Fabius Pictor wrote in Greek, and was an earlier contemporary of Cato; but the Latin version of his work was later than Cato's Origines; hence the order in which the two are here mentioned. In de Leg. i. 2. 6, Cicero writes 'nam post annales pontificum maximorum, quibus nihil potest esse iniucundius [MSS. iucundius], si aut ad Fabium, aut ad eum, qui tibi semper in ore est, Catonem aut ad Pisonem aut ad Fannium aut ad Vennonium venias, quamquam ex his alius alio plus habet virium, tamen quid tam exile quam isti omnes?'

Piso, L. Calpurnius (consul with Scaevola, B.C. 133), Teuffel, § 128. 4. Cicero expresses a similar opinion of his writings in Brut. 27. 106 'isque et orationes scripsit, quae iam evanuerunt, et annales sane exiliter scriptos.' But Gellius, an admirer of the archaic style, writes very differently: cp. vii. 9. 1 'res perquam pure et venuste narrata a Pisone:' xi. 14. 1 'simplicissima suavitate et rei et orationis L. Piso Frugi usus est in primo annali.' The extant fragments of all these writers are collected in H. Peter 'Historicorum Romanorum relliquiae' Vol. I (Leipzig, 1870), pp. 5–39 (cp. 109–110), 51–94, 118–137, and all that is known of them is fully discussed in his Prolegomena lxix–c, cxxvii–clxvii, clxxxviii–cci.

19. **nihil aliud nisi annalium confectio**. 'Sallust is the first cultivated historian of the Romans: all previous productions are either mere registers, or the materials are undigested, and there is a want of historical style.' Teuffel, Rom. Lit. § 31, a view probably derived from this passage, and de Leg. i. 2. 6.

memoria, 'traditional account,' i. 2. 4.

P. Mucium pontificem maximum res omnis singulorum annorum mandabat litteris pontifex maximus referebatque in album et proponebat tabulam domi, potestas ut esset populo cognoscendi,
53 eique etiam nunc annales maximi nominantur: hanc similitudinem scribendi multi secuti sunt, qui sine ullis ornamentis monumenta solum temporum hominum, locorum gestarumque rerum reliquerunt; itaque qualis apud Graecos Pherecydes, Hellanicus, Acusilas fuit aliique permulti, talis noster Cato et Pictor et Piso, qui neque tenent, quibus rebus ornetur oratio—modo enim huc ista sunt importata—et, dum intellegatur quid
54 dicant, unam dicendi laudem putant esse brevitatem. Paulum se erexit et addidit maiorem historiae sonum vocis vir optimus, Crassi familiaris, Antipater; ceteri non exornatores rerum, sed

2. *efferebat H.* 4. *eique H E*² Lg. 36 Fr. quod voluit K: dedit [*ei*] *qui*, quod vereor ut satis Latine dicatur; *ei qui* dederunt tamen PHS. 8. *hellanicusilas H.* 12. *vocis* incl. Ell. K.

1. **P. Mucium**, the cousul of B.C. 133 (Introd. p. 21, note).

4. For the **annales maximi**, cp. Teuffel, § 66; Lewis, Credibility of Early Roman History, cc. iv. and v.; Peter, Proleg. u. s.; Mommsen, i. 477 f. The account given by Servius on Verg. Aen. i. 377, is probably partly derived from this passage: 'ita annales conficiebantur, tabulam dealbatam quotannis pontifex maximus habuit, in qua praescriptis consulum nominibus et aliorum magistratuum digna memoratu notare consueverat, domi militiaeque, terra marique gesta, per singulos dies, cuius diligentiae annuos commentarios in octoginta libros veteres [i. e. probably P. Mucius] retulerunt, eosque a pontificibus maximos appellarunt.'

hanc similitudinem scribendi, 'a style of writing like this' = 'huic simile genus scribendi.' Cp. de Fin. v. 15. 42 'quam similitudinem videmus in bestiis' = 'cuius rei simile aliquid videmus:' de Nat. Deor. ii. 10. 27 'quam similitudinem cernere possumus in eis aquis:' Holden on de Off. i. 4. 14, and below iii. 56.

4. **eique** is the reading of *H*, and causes no difficulty: *ei qui* is defended, as being by attraction, by Harn. quoting Seyffert on Lael. 14. 49: but I can find no example really parallel. The gender of *ei* is regular (Roby, § 1068), but the case if we read *qui* is a grave objection.

7. **Pherecydes, Hellanicus, Acusilas**: cp. Müller (Donaldson), Hist. of Greek Literature, i. 346–350. Acusilas or Acusilaus of Argos was the earliest, but the least important of the three. We have no information about him, but a few quotations are preserved by scholiasts. There is no positive evidence to show whether the name of the second is Hellanīcus (for Ἑλλανόνῑκος) or Hellanĭcus (i. e. Ἑλλάνικος for Ἑλληνικός with the accent thrown back according to the Aeolic tendency): the former view is maintained by Lobeck on Phrynichus, p. 670, and Dindorf, Steph. Thes. s. v. and adopted by Dr. Schmitz in the Dict. Biog.: the latter by Donaldson, l. c. iii. p. 446. For his date (perhaps later than Herodotus) cp. Mahaffy, ii. 40.

9. **tenent**, 'understand:' cp. pro Mur. 9. 22 'ille tenet et scit ut hostium copiae, tu ut aquae pluviae arceantur.'

10. **modo**, cp. iii. 51. 198 (of the introduction of the period): in § 121 this service is ascribed to Crassus. *importare* is very rarely used in Cic. without a distinct suggestion of misfortune. Cp. pro Sest. 68. 146.

huc, i. e. into Rome.

12. **sonum vocis**, 'tone:' history is personified as above in § 36: we might say 'made history speak with a richer tone.'

13. **familiaris**: cp. Brut. 26. 102 'L. Caelius Antipater scriptor . . . fuit ut temporibus illis luculentus, iuris valde peritus, multorum etiam, ut L. Crassi, magister.'

Antipater: Teuffel, § 132, 4: Peter, Hist. Rom. Rell. pp. 147–164, with Proleg. ccxiii. ccxxxvii.; Sieglin, Fragm. Cael. Ant. (Leipzig, 1880): cp. de Leg. l. c.

tantummodo narratores fuerunt.' 'Est,' inquit Catulus 'ut dicis; 13
sed iste ipse Caelius neque distinxit historiam varietate colorum
neque verborum conlocatione et tractu orationis leni et aequabili
perpolivit illud opus; sed ut homo neque doctus neque maxime
aptus ad dicendum, sicut potuit, dolavit; vicit tamen, ut dicis,
superiores.' 'Minime mirum,' inquit Antonius 'si ista res adhuc 55
nostra lingua inlustrata non est; nemo enim studet eloquentiae
nostrorum hominum, nisi ut in causis atque in foro eluceat; apud
Graecos autem eloquentissimi homines remoti a causis forensibus
cum ad ceteras res inlustris tum ad historiam scribendam maxime
se applicaverunt: namque et Herodotum illum, qui princeps genus

2. *colorum* PKSH e coniect. Jacobsii, *locorum* ω. 4. *maxime* om. K cum M^2: incl. H: habet *H*.

'Fannii aetate coniunctus Antipater paulo inflavit vehementius habuitque vires agrestis ille quidem et horridas, sine nitore ac palaestra.'

2. **varietate colorum**: the MSS. all give *locorum*, which was suspected first by Ernesti: 'interdum suspicatus sum *rerum*, quia opponitur *verborum collocatio* et *tractus orationis*, etc. tum paulo post de Thucydide sunt *res* et *verba*.' Jacobs suggested *colorum*, which has been adopted by Kayser, Pid., Sorof, and some earlier editors. This is strongly supported by some parallel passages: cp. ad Her. iv. 11. 16 'exornationes si rarae disponentur, distinctam sicuti coloribus—reddent orationem,' and Or. 19. 65 (of the epideictic style) 'verba altius transferunt eaque ita disponunt ut pictores varietatem colorum.' Of course *color* is in these passages (as in iii. 25. 95; 52. 199) used in its ordinary sense, though applied figuratively: it has a special technical sense in some writers on rhetoric, for which cp. Quint. iv. 2. 89 ff., Sen. Rhet. Controv. i. 1. 16–21 and Volkmann, Rhet. p. 113 note, Ernesti, Lex. Techn. s. v. χρῶμα. I do not think it impossible (with Ellendt) to defend *locorum* here, in the sense of 'general reflexions:' cp. i. 13. 56 (note): for these *loci communes* are almost identical with the *sententiae*, which are *lumina orationis* very proper to history, and indeed demanded by Antonius in § 63. But the correction is an easy one (cp. above, § 2, note), and it is hard to resist the force of the parallel passages. Besides it is perhaps more natural here that Caelius should be charged with a want of variety in style, rather than with deficient sententiousness, though Cicero in Brut. 93. 322 does complain of the lack of orators in his youth 'qui dilatare posset, atque a propria ac definita disputatione hominis ac temporis ad communem quaestionem universi generis orationem traducere.' Kühner rejects the reading *colorum*, on the ground that the style is not discussed until the following clause, but this begs the question. With the reading in the text we may translate: 'But even your friend Caelius himself did not set off history by any variety of colouring, nor did he give polish to that work of his by the arrangement of his words and by the smooth and regular flow of his style.' Cp. de Fin. ii. 3. 10 'varietas enim Latinum verbum est, idque proprie quidem in disparibus coloribus dicitur, sed transfertur in multa disparia.'

4. **ut homo**, 'as a man would, who was,' § 2.

5. **dolavit**, 'rough-hewed.'

6. **ista res**, i. e. history.

7. **inlustrata**, 'embellished,' i. e. written in an elegant style. The word is used more frequently with the force of 'elucidate:' e. g. Acad. i. 1. 3 'philosophiamque veterem illam a Socrate ortam Latinis litteris illustrare.'

8. **in causis atque in foro**, § 33. *in foro* is wider than *in causis*, and includes speeches to a *contio*, 'in consilii dando' §§ 42–3. Friedrich would read *ut causis atque ut foro* with *EH*.

11. **princeps ornavit**. The 'logographers' before the time of Herodotus had by no means shaken themselves free from the clumsiness which marked the earliest attempts at prose composition. Herodotus, though selected by Aristotle (Rhet. iii. 9. 2) as his type of the jointed

hoc ornavit, in causis nihil omnino versatum esse accepimus; atqui tanta est eloquentia, ut me quidem, quantum ego Graece
56 scripta intellegere possum, magno opere delectet; et post illum Thucydides omnis dicendi artificio mea sententia facile vicit; qui ita creber est rerum frequentia, ut verborum prope numerum sententiarum numero consequatur, ita porro verbis est aptus et pressus, ut nescias, utrum res oratione an verba sententiis inlustrentur: atqui ne hunc quidem, quamquam est in re publica versatus, ex numero accepimus eorum, qui causas dictitarunt; et hos ipsos libros tum scripsisse dicitur, cum a re publica remotus atque, id quod optimo cuique Athenis accidere solitum est, in exsilium pulsus esset; hunc consecutus est Syracosius Philistus,

2. *ego Graece scripta* incl. K cum Bakio. 4. *facile* incl. K cum *B.* 9. *dictitarunt M* PSH: *dictitarent* Lag. 36 cum plurimis aliis, K. *dictarint OP.* 10. *hos ipsos libros M* KS, *hos libros OP.* PH Ell.

style (λέξις εἰρομένη), is not without some approach to the more finished periodic structure of later writers. His relation to his predecessors in the matter of style is very well discussed by Mr. Woods in the Introduction to his edition of Book I (pp. xxvii–xxxii). Cp. also Mure, Hist. Gr. Lit. iv. 513; Müller and Donaldson, i. 362; Mahaffy, ii. 31. *Princeps* here 'first' in time, as in Caes. B. C. i. 76 'princeps in haec verba iuret,' not as often of rank or position.

4. **Thucydides**: cp. Brut. 7. 29 'Huic aetati suppares Alcibiades, Critias, Theramenes: quibus temporibus quod dicendi genus viguerit ex Thucydidi scriptis, qui ipse tum fuit intellegi maxime potest. Grandes erant verbis, crebri sententiis, compressione rerum brevis, et ob eam ipsam causam subobscuri.' In Brut. 83. 287–8, Cicero compares the style of Thucydides to fiery old wine, and says that it is not to be imitated by the orator. Cp. Or. 9. 30.

6. **aptus**, not as Müll. and Ern. 'compressed,' which is not justified either by the derivation of the word or by its usage, but 'exact:' cp. iii. 55. 210 'quid aptum sit, hoc est quid maxime decens in oratione.' From 'apere,' (obs.) to fit, comes the participle *aptus*, 'fitted;' hence 'close-fitting.' Cp. Brut. 39. 145 'verbis erat [Scaevola] ad rem cum summa brevitate mirabiliter aptus.'

7. **pressus**, 'precise:' this word is often used with the force of 'concise,' as in § 96, and Quint. xii. 10. 18 'cum Attici pressi et integri, contra Asiani inflati et inanes haberentur.' But the other meaning is also found (de Opt. Gen. Or. 2. 3), and here suits the context better. On the other hand 'praecise' always means 'concisely,' not 'exactly.' Cp. de Fin. iv. 10. 24 'mihi placet agi subtilius et pressius:' Tusc. iv. 7. 14 'definiunt pressius' (with Kühner's note). In Acad. ii. 9. 29, and 34. 109, Dr. Reid translates 'pressius' 'trenchantly.' Cp. Cic. Hortens. frag. 46 (Baiter) 'pressum. Subtile. M. Tullius in Hortensio: quis te aut est aut fuit unquam in partiundis rebus, in definiendis, in explicandis pressior,' Nonius, p. 364. 22. Kühner renders here 'so treffend ferner in Ausdrucke und genau.'

9. **dictitarunt**: so Pid. and Sorof, with the older MSS. Kayser *dictitarent*, with the inferior MSS. The subj. cannot be said to be required here; for the relative clause 'by a periphrasis describes and specifies the idea concerning which the statement is made, so that the relative proposition supplies the place of a simple name:' here 'eorum qui causas dictitarunt' = 'of forensic speakers.' Cp. Madv. § 362 a.

11. **atque**, 'and in fact.'

optimo cuique, e. g. Miltiades, Aristides, Themistocles, Cimon. For the justice of this assertion cp. Grote's remarks upon the action of ostracism: Vol. iii. 129 (ed. 1862).

12. **exsilium**: the *xs* is justified by the etymology of the word, but on the Mon. Ancyr. we find *exilium* (i. 10), and no rule can be laid down for the orthography. Here Ell. notes '*s* non habent Lgg. praeter 93, qui ita corr.' Reid on pro Arch.

qui, cum Dionysii tyranni familiarissimus esset, otium suum consumpsit in historia scribenda maximeque Thucydidem est, ut mihi videtur, imitatus. Postea vero ex clarissima quasi rhetoris officina duo praestantes ingenio, Theopompus et Ephorus ab Isocrate magistro impulsi se ad historiam contulerunt; causas omnino numquam attigerunt. Denique etiam a philosophia **14** profectus princeps Xenophon, Socraticus ille, post ab Aristotele 58

2. *ut EH*: *sicut* ς. 3. *ex clarissima quasi* KSH cum *M*: *quasi ex clarissima rhetorum* E^2 KS. *rhetoris* ω PA. 4. *ab Isocrate magistro impulsi*, incl. K.

p. 72, says 'Usage in these words probably varied, but the form *exs-* preponderated,' which is more precise than Roby, § 112. Cp. Brambach, Neugest. d. Lat. Orth. pp. 278–280.

Syracosius: Lg. 5. 16. 86 'quod probandum videretur si firmiores testes haberet.' Ell. We have this form in *A* at iii. 34. 139, and it is found also in de Off. i. 44. 155 and de Div. i. 20. 39 (M.); therefore we need not hesitate to adopt it. The usual Latin form is *Syracūsanus*: the only other instance of *Syracusius* seems to be in Tusc. v. 35. 100, where the MSS. are by no means at one in giving it. Of course *Syrăcūsius* is not possible in dactylic verse; cp. Verg. Ecl. vi. 1.

Philistus, born about B.C. 430, exiled in B.C. 386 by the elder Dionysius, although he was his devoted partisan and had helped him to secure the throne, and recalled by the younger Dionysius. He began when in exile in Epirus a history entitled τὰ Σικελικά, which after his return he carried down to B.C. 362. Cp. Cic. ad Quint. Fr. ii. 13. 4 'Siculus ille capitalis [i. e. Philistus] creber, acutus, brevis, paene pusillus Thucydides.' Quint. x. 1. 14 'Philistus quoque meretur, qui turbae quamvis bonorum post eos [sc. Herodotus, Thucydides, Theopompus] auctorum eximatur, imitator Thucydidi et ut multo infirmior, ita aliquatenus lucidior.' Cp. Mure, v. 503–509; Mahaffy, ii. 431–433; Müller, Fragm. Hist. Gr. i. 185–192.

3. **quasi** apologises for the expression **officina**, 'factory' (= opificina). There seems no sufficient reason to depart from the MS. reading **rhetoris**. Although, as Sorof says, Cic. very often uses *officina* with an objective genitive, this does not exclude the possibility of a possessive genitive; and in the closely parallel passage (Or. 3. 12 'fateor me oratorem non ex rhetorum officinis, sed ex Academiae spatiis exstitisse'), it is probably so used. Then the contrast is rather, as Harn. says, between the rhetorician who trained these writers, and the forum, and not with his other pupils and the historians. Cp. Madvig on Fin. iv. 37. For the famous school of Isocrates cp. Jebb's Attic Orators, ii. 13, or Blass Att. Ber. ii. 48–59. There is a special treatise upon it by Sanneg 'de Schola Isocratea' (Halle, 1867).

4. **Theopompus** of Chios: Mure, v. 509–529. E. Curtius, Hist. of Greece, v. 176 ['in his style he shared the clearness and dignity of his teacher']; Mahaffy, ii. 434–437. He wrote two great works, the Ἑλληνικά in 12 books, from the close of the history of Thucydides to the battle of Knidos in 394, and the Φιλιππικά in 58 books. Although he never wrote court speeches, probably as being a man of independent means, he was distinguished for his epideictic rhetoric. Müller, i. 278–333.

Ephorus of Cyme 'was not so brilliantly endowed by nature' (Curt. v. 178), 'but his power of endurance and his qualifications for learned research were proportionately greater.' He wrote a Universal History (ἱστορίαι) from the return of the Herakleidae to the capture of Perinthus in B.C. 340, in 30 books. Mure, v. 529–540. Müller, i. 234–277.

6. **Denique**, 'finally.' Cicero had intended to close with the mention of Xenophon: Timaeus is an after-thought. Cp. however Munro on Lucret. i. 17. **a philosophia profectus** virtually goes with both Xenophon and Callisthenes: 'there is, proceeding from philosophy, first X.'

7. **ab Aristotele**, 'a pupil of Aristotle:' cp. § 160, and de Off. iii. 33. 116 'atqui ab Aristippo Cyrenaici atque Annicerii,' with Holden's note. The construction is an imitation of the Greek οἱ ἀπὸ Πλάτωνος. But *ab Ar.* might be here taken with *profectus*, as in de Div. i. 3, 35, 53, 61, etc. Callisthenes of Olynthus, born about B.C. 360, was adopted and educated by Aristotle, joined Alexander in Asia, and was put to death by him in B.C. 328, on a

Callisthenes, comes Alexandri, scripsit historiam, et is quidem rhetorico paene more; ille autem superior leniore quodam sono est usus, et qui illum impetum oratoris non habeat, vehemens fortasse minus, sed aliquanto tamen est, ut mihi quidem videtur, dulcior. Minimus natu horum omnium Timaeus, quantum autem iudicare possum, longe eruditissimus et rerum copia et sententiarum varietate abundantissimus et ipsa compositione verborum non impolitus magnam eloquentiam ad scribendum attulit, sed nullum usum forensem.'

59 Haec cum ille dixisset, 'quid est,' inquit 'Catule?' Caesar; 'ubi sunt, qui Antonium Graece negant scire? Quot historicos nominavit! Quam scienter, quam proprie de uno quoque dixit!' 'Id mehercule' inquit Catulus 'admirans illud iam mirari desino, quod multo magis ante mirabar, hunc, cum haec nesciret, in dicendo posse tantum.' 'Atqui, Catule,' inquit Antonius 'non ego utilitatem aliquam ad dicendum aucupans horum libros et non nullos alios, sed delectationis causa,

9. *ad usum* voluit Fr.

charge of conspiracy. His fate excited great indignation and sympathy in Greece. His historical works were (1) Hellenica in ten books, from the peace of Antalcidas to the occupation of the temple at Delphi by the Phocians (B.C. 387–357); (2) a History of the Sacred War in continuation of the former work; (3) an unfinished History of Alexander. The extant fragments collected by Müller (Script. Alex. M. p. 7) do not enable us to judge of his style. Aristotle is quoted by Plutarch (Alex. 54) as calling him powerfully eloquent in speech: Longinus and Timaeus accuse him of bombast, and this is certainly true of the passages quoted from his History of Alexander. Cp. Mure, v. 553–568.

2. **leniore quodam sono . . . dulcior**: of Xenophon Suidas says, Ἀττικὴ μέλιττα ἐπωνομάζετο: Diogenes Laert. ii. 57 ἐκαλεῖτο δὲ καὶ Ἀττικὴ Μοῦσα γλυκύτητι τῆς ἑρμηνείας: Cic. Or. 19. 62 'Xenophontis voce Musas quasi locutas ferunt:' 9. 32 'cuius sermo est ille quidem melle dulcior, sed a forensi strepitu remotissimus.' Mure writes (v. 261), 'His style indeed, in the proper sense, has been universally and justly admired for graces of no ordinary character; for an easy, elegant simplicity, and harmonious flow of expression, for perspicuity of sense, and purity of Attic idiom. These however are pleasing and attractive, rather than striking or brilliant qualities.' For criticisms on his Attic purity, cp. Cobet, Nov. Lect. *passim*, esp. pp. 388 ff. 722 f., and Shilleto on Thuc. i. 43. 2 ('he frequently departs from his country's usage'). The peculiarities of the style of the *Anabasis* are collected by Mr. Pretor (Anab. ii. pp. 7–11), partly on the authority of Shilleto.

5. **Timaeus** of Tauromenium, born about 352, died about 256. He was banished from Sicily by Agathocles, probably in 310, and lived for more than fifty years at Athens. He wrote the history of Sicily from the earliest times down to 264, at which date Polybius commences his work. Polybius finds great fault with his method of writing history, and pronounces him quite unfit for the task he had undertaken. His most serious charge, that Timaeus had no practical knowledge of war or politics, and drew his knowledge from books alone, seems to have been well-grounded, and is not inconsistent with Cicero's judgment here. Cp. Müller, vol. i. pp. 193–233.

9. **quid est?** 'What do you say to this?'

10. **Graece**: the adverb is generally used not only with *loqui*, but also with *scire* (§ 265), *nescire* (Brut. 37. 140), *docere* (Plin. Ep. vii. 4. 9), *reddere* (i. 34. 155) but we find also 'in Latinum convertere' Cic. Tusc. iii. 14. 29, de Off. ii. 24. 87.

11. **quam proprie**, etc., 'how well he has expressed the characteristic of each.'

cum est otium, legere soleo. Quid ergo? Est, fatebor, aliquid 60
tamen; ut, cum in sole ambulem, etiamsi ego aliam ob causam
ambulem, fieri natura tamen, ut colorer, sic, cum istos libros ad
Misenum—nam Romae vix licet—studiosius legerim, sentio illo-
rum tactu orationem meam quasi colorari. Sed ne latius hoc
vobis patere videatur, haec dumtaxat in Graecis intellego, quae
ipsi, qui scripserunt, voluerunt volgo intellegi: in philosophos 61
vestros si quando incidi, deceptus indicibus librorum, qui sunt fere
inscripti de rebus notis et inlustribus, de virtute, de iustitia, de
honestate, de voluptate, verbum prorsus nullum intellego; ita
sunt angustis et concisis disputationibus inligati; poëtas omnino

2. *aliam ob causam EHOP* SH: *ob aliud ς* Ell. KP. 4. *legerim OP ς* KPSH: *legero EH ς*. 5. *tactu EH*: *cantu ς*. *sed ne latius*, his verbis incipiunt Lg. 2, 4, 13, 32 γ. si fidendum est Ellendtio. 7. *scripserunt*: codicis A incipit folium quartum:—[serunt. 11. *concisis ς*: *longis M*, unde *longe conquisitis* maluit Reid.

1. **Quid ergo?** This phrase is rarely used without a second question following, which suggests a view which is to be refuted: e.g. de Off. iii. 18. 73 'Quid ergo? Satin est hoc ut non deliquisse videantur? Mihi quidem non videtur.' (But cp. de Fin. v. 76.) Hence there is much plausibility in Sorof's suggestion that a second question must have dropped out here. The old punctuation 'quid ergo est?' will not stand, for it leaves 'fatebor' too isolated. Dr. Reid suggests 'Quid ergo est? *Est*, fatebor aliquid tamen,' i.e. 'What results then? I will admit that, in spite of what I said just now, something does result.'

2. **tamen**, 'after all.'

3. **fieri**, governed by 'sentio,' as *necesse esse* is by 'arbitror' in § 69. Bake reads *fit*, because he holds that no one can *feel* himself growing sunburnt. We need not reply with Ell. 'multi sentiunt, opinor:' but still less need we correct so slight a zeugma.

ad Misenum. Antonius had a villa here, which afterwards belonged to his grandson the triumvir (Phil. ii. 19. 48; ad Att. x. 8; xiv. 20). It was probably while she was staying here that the orator's daughter was carried off by pirates (de Imp. Cn. Pomp. 12. 33, with Halm's note). There was another and a more famous villa at Misenum, which belonged first to C. Marius, afterwards to Lucullus, and then to the emperor Tiberius, who died there (Tac. Ann. vi. 50).

4. **legerim**: it is hard to see what reason can be given for the subj. *ambulem* which does not equally require *legerim*. In both cases the indicative would be used in *oratio recta* (Roby, § 1717). Hence *legero* is probably only assimilated to *sentio*.

5. **tactu.** The inferior MSS. have *cantu*, which Ell. endeavours to defend as said 'nove quidem sed eleganter' for the tone and rhythm of style, as in Or. 18. 57 'est autem etiam in dicendo quidam cantus obscurior;' but the whole context shows that this is said only with reference to delivery. *Tactus* = 'influence,' as in de Nat. Deor. ii. 15. 40 'is solis tactus est, non ut tepefaciat solum, sed etiam comburat' (with Mayor's note), de Div. ii. 46. 97 'ex quo intellegitur, plus terrarum situs quam lunae tactus ad nascendum valere' (where the reading *tactus* is certainly better than the v. l. *tractus*, given by Moser: in the former passage there is no doubt about the reading).

6. **dumtaxat**, i. 58. 249 (note), 'merely.'

8. **vestros.** Catulus and Caesar being both attached to Greek literature, iii. 49. 187; cp. 'Aristoteles, Catule, vester' iii. 47. 182. See note on i. 35. 160.

indicibus, 'titles:' not quite so common as 'titulus' or 'inscriptio:' but cp. Suet. Cal. 49 'alteri (libello) Gladius, alteri Pugio index erat.'

fere, 'as a rule.'

9. **inscripti**: cp. Reid on Acad. ii. 12.

11. **concisis.** The codd. mutili have *longis*, which probably arose from a misunderstanding of the contraction *concis.* Perhaps there was also an unseasonable recollection of the verbosity of much philosophical writing. But the Stoics, and especially Chrysippus, with all their wordiness were noted for the obscure brevity of their style. Cp. below, § 159.

inligati, 'entangled.' Reid on Acad. ii. 6.

quasi alia quadam lingua locutos non conor attingere. Cum eis me, ut dixi, oblecto, qui res gestas aut orationes scripserunt suas aut qui ita loquuntur, ut videantur voluisse esse nobis, qui non
15 sumus eruditissimi, familiares. Sed illuc redeo: videtisne, quan-
62 tum munus sit oratoris historia? Haud scio an flumine orationis et varietate maximum; neque eam reperio usquam separatim instructam rhetorum praeceptis; sita sunt enim ante oculos. Nam quis nescit primam esse historiae legem, ne quid falsi dicere audeat? Deinde ne quid veri non audeat? Ne quae suspicio
63 gratiae sit in scribendo? Ne quae simultatis? Haec scilicet fundamenta nota sunt omnibus, ipsa autem exaedificatio posita est in rebus et verbis: rerum ratio ordinem temporum desiderat, regionum descriptionem; volt etiam, quoniam in rebus magnis memoriaque dignis consilia primum, deinde acta, postea eventus exspectantur, et de consiliis significari quid scriptor probet et in

3. *loquuntur*: *locuntur* Lagg. 2, 32, 36: *AH* (ut solent) *loquontur*. 4. *eruditissimi*: *prudentissimi M*. 13. *quoniam*: *quod tamen M*. 14. *memoria digna M*, quod tuetur Fr. 15. *exspectantur* ς: *exspectentur M* PSH.

1. **alia quadam**, 'a quite different.'

Cum eis, 'in the companionship of those.'

2. **oblecto**: (so 'oblectatio,' in i. 26. 118), 'amuse;' not so strong as 'delecto.'

suas, emphatic from its position, 'which they have themselves delivered.'

4. **familiares**, 'accessible.' Reid on Acad. ii. 131.

illuc, 'to my point,' viz. that rules are not to be laid down for all forms of literature which call for rhetorical skill.

videtisne, 'do you not see?' *-ne* in this phrase is virtually equivalent to *nonne*, as often in Plautus and Terence, who very rarely use the fuller form. Cp. Kühner, ii. 1002, and Reid on de Sen. 10. 31 'videtisne ut apud Homerum saepissime Nestor de virtutibus suis praedicet?'

6. **neque**: § 19 (note).

7. **sita**: the subject seems to be 'the rules' required for history, suggested by 'rhetorum praeceptis.' But the writing is loose, if the text is sound. Dr. Reid suggests 'ista.'

9. **suspicio**, one of the very few words in which it is possible to doubt whether the form with *c* or *t* is the more correct. The weighty authorities of the Cod. Ambros. in Plautus and the Cod. Bemb. in Terence are for *suspitio*, but their evidence is weakened by the fact that they also give the erroneous *conditio*: the Medicean in Tac. Ann. iv. 10. 67; vi. 47 and elsewhere has *t*, but this MS. is not very trustworthy on such points. Fleckeisen (Fünfzig Art. p. 30) and (formerly) Brambach defend the *t*: Corssen stoutly opposes it (ii. 359–360): Brambach now (Hülfsbüchlein, p. 62) inclines to believe in the existence of two independent formations, one direct from the stem *spic* (with Corssen), the other from the supine stem *spic-t*. Cp. Haupt in Hermes iv. 147. Here *A* has *suspicio*, and Ell. notes on variant in any of the MSS. Roby, § 110, 4.

12. **rerum ratio**, 'the character of the subject matter,' as opposed to *verborum ratio* in § 64.

13. **regionum**: cp. de Fin. ii. 107 'cum omnium factorum, cum legionum conquiris historiam.'

13. **quoniam . . . . exspectantur**: *M* has 'quod tamen,' which seems to have arisen from misunderstanding *quoniam* as a contraction: *tamen* is of course quite out of place. If we retain the subj. with *M* it can only be explained as attracted into the thought reported: it 'requires, since (as it holds).' Cp. Kühner, ii. 916. But the subject matter of history is not a question of opinion, but of fact. Hence Ell. rightly retains 'exspectantur' from the older editions. Lambinus read 'quod.' With the subj. Ell. would read *cum*, i.e. *quom*, which is quite as good a correction.

rebus gestis declarari non solum quid actum aut dictum sit, sed etiam quo modo, et cum de eventu dicatur, ut causae explicentur omnes vel casus vel sapientiae vel temeritatis hominumque ipsorum non solum res gestae, sed etiam, qui fama ac nomine excellant, de cuiusque vita atque natura; verborum autem ratio et genus 64 orationis fusum atque tractum et cum lenitate quadam aequabiliter profluens sine hac iudiciali asperitate et sine sententiarum forensibus aculeis persequendum est. Harum tot tantarumque rerum videtisne nulla esse praecepta, quae in artibus rhetorum reperiantur? In eodem silentio multa alia oratorum officia iacuerunt, cohortationes, praecepta, consolationes, admonita, quae tractanda sunt omnia disertissime, sed locum suum in his artibus, quae traditae sunt, habent nullum. Atque in hoc genere illa 65 quoque est infinita silva, quod oratori plerique, ut etiam Crassus ostendit, duo genera ad dicendum dederunt: unum de certa definitaque causa, quales sunt, quae in litibus, quae in deliberationibus versantur, addat, si quis volet, etiam laudationes;

6. *aequabili* ϛ PKS: *aequabiliter M* H. 9. *nulla M* SH. *ulla* KP. 11. *cohortationes, consolationes, praecepta, admonita*: *cohortationes praecepta consolationis admonita M*: incl. K.

2. **eventu,** 'the results.'

3. **vel casus,** etc. genitives of definition: 'residing either in chance,' etc. Cp. Caes. de Bell. Civ. iii. 72 'parvulae causae vel falsae suspicionis vel terroris repentini vel obiectae religionis magna detrimenta intulerunt' (quoted by Roby, § 1302 and Nägelsb. Stil. p. 275). Cp. Reid on Acad. i. 6.

6. **fusum atque tractum,** 'easy and flowing.' Cp. § 159, and Or. 20. 66 'historia in qua et narratur ornate et regio saepe aut pugna describitur, interponuntur etiam contiones et hortationes: sed in his tracta quaedam et fluens expetitur, non haec contorta et acris oratio.' Quint. x. i. 73 uses 'fusus' of Herodotus.

7. **sine hac,** etc. virtually an adjectival expression, like Tusc. D. i. 22. 51 'haec refutent isti, qui negant animum sine corpore ('an immaterial soul') se intellegere posse.' Cp. note on § 10, and Acad. i. 7. 27 'sine ulla specie . . . materiam quandam,' 'an absolutely formless kind of matter.' **hac** = which we use.

sine sententiarum forensibus aculeis: we might say 'without the barbed shafts of epigrams in use at the bar.' History written in the style of Tacitus certainly does not avoid these *aculei*, the pointed sayings which are meant to stick in the mind of the judges. Cp. Or. 19. 62 'horum (sc. philosophorum) oratio neque nervos, neque aculeos oratorios ac forensis habet;' and below iii. 21. 80; 34. 138.

9. **nulla** because '**videtisne**' has the force pointed out in § 62.

artibus, 'treatises,' §§ 160, 201, etc. Mayor on Juv. vii. 177.

10. **iacuerunt,** 'have been left neglected.'

11. **praecepta, admonita;** good instances of the way in which past participles are often made to do duty as abstract substantives. Cp. Nägelsb. p. 87. There seems to be no other instance of 'admonita' = 'admonitio.'

13. **in hoc genere,** 'under this head,' viz. of various styles for which no special rules are laid down. The sentence is carelessly constructed: a reference in passing to the two kinds of questions is expanded until Cicero seems to lose sight of the purpose for which he intended to allude to the division, viz. to point out how one of the two kinds of subjects falls wholly under this head.

14. **silva** = ὕλη, 'material.' Cp. 'quasi silva dicendi' in Or. 3. 12 (Sandys), and Reid on Acad. i. 24.

Crassus ostendit: i. 31. 138 ff.

alterum, quod appellant omnes fere scriptores, explicat nemo, infinitam generis sine tempore et sine persona quaestionem—hoc quid et quantum sit, cum dicunt, intellegere mihi non
66 videntur: si enim est oratoris, quaecumque res infinite posita sit, de ea posse dicere, dicendum erit ei, quanta sit solis magnitudo, quae forma terrae; de mathematicis, de musicis rebus non poterit quin dicat hoc onere suscepto recusare; denique ei, qui profitetur esse suum non solum de eis controversiis, quae temporibus et personis notatae sunt, hoc est, de omnibus forensibus, sed etiam de generum infinitis quaestionibus dicere, nullum
16 potest esse genus orationis, quod sit exceptum—sed si illam
67 quoque partem quaestionum oratori volumus adiungere vagam et liberam et late patentem, ut de rebus bonis aut malis, expetendis aut fugiendis, honestis aut turpibus, utilibus aut inutilibus, de virtute, de iustitia, de continentia, de prudentia, de magnitudine animi, de liberalitate, de pietate, de amicitia, de officio, de fide, de ceteris virtutibus contrariisque vitiis dicendum oratori putemus; itemque de re publica, de imperio, de re militari, de disciplina civitatis, de hominum moribus, adsumamus eam quoque partem, sed ita, ut sit circumscripta modicis regionibus.
68 Equidem omnia, quae pertinent ad usum civium, morem hominum,

1. **appellant,** 'mention:' Reid on Acad. i. 25.

scriptores, i. e. writers on rhetoric: so often used in Quintilian, e. g. v. 10. 120; vii. 10. 7; ix. 3. 34.

5. **quanta**: from de Inv. i. 8 we learn that among the *quaestiones* which Hermagoras made his pupils discuss were 'quae sit mundi forma? Quae sit solis magnitudo?'

7. **quin dicat,** depending upon 'recusare.' It is less common to find 'quin' depending upon an omitted 'facere,' as in § 39. There are other instances in Plautus (e. g. Stich. 302), but I have not found any in Cicero. Cp. Kühner, ii. 833.

9. **notatae,** undoubtedly the right reading, is due to a conjecture of Manutius: all MSS. have *notae*, by a very common error. Cp. Drakenborch on Liv. xxii. 37. 9; xxiv. 48. 7. Cp. Or. Part. 18. 61 'duo sunt quaestionum genera, quorum alterum finitum temporibus et personis causam appello, alterum infinitum, nullis neque personis neque temporibus notatum, propositum voco.'

11. **illam quoque partem**: i. e. ethics and politics as well as physics. Cp. the very similar discussion of the province of Rhetoric in Plato, Gorg. 453 D, 454 C, and of Dialectic in Cic. Acad. ii. 28. 91.

13. **liberam** = *nullis terminis saeptam*, 'unconfined.'

19. **disciplina civitatis**: i. 34. 159 (note).

de hominum moribus, not 'moral conduct,' in which meaning it would have come into the previous group of ethical subjects, but 'political usages.' Cp. i. 39. 48; iii. 76; Tusc. Disp. iv. 1 'nec vero hic locus est, ut de moribus institutisque maiorum et disciplina ac temperatione civitatis loquamur.'

adsumamus, jussive conj. Roby, § 1588.

20. **regionibus,** 'boundaries,' as often in Cicero, a meaning directly derived from its primary meaning of 'line.' Cp. pro Arch. 10. 23 'si res eae quas gessimus orbis terrae regionibus definiuntur;' ib. 11. 29 'quibus regionibus vitae spatium circumscriptum est.'

21. **ad usum civium, morem hominum,** 'the practice of the citizens, and their ways:' but the absence of any

quae versantur in consuetudine vitae, in ratione rei publicae, in hac societate civili, in sensu hominis communi, in natura, in moribus, comprehendenda esse oratori puto; si minus ut separatim de his rebus philosophorum more respondeat, at certe ut in causa prudenter possit intexere; hisce autem ipsis de rebus ut ita loquatur, uti ei, qui iura, qui leges, qui civitates constituerunt, locuti sunt, simpliciter et splendide, sine ulla serie disputationum et sine ieiuna concertatione verborum. Hoc loco ne qua sit 69
admiratio, si tot tantarumque rerum nulla a me praecepta ponentur, sic statuo: ut in ceteris artibus, cum tradita sint cuiusque artis difficillima, reliqua, quia aut faciliora aut similia sint, tradi non necesse esse; ut in pictura, qui hominis unius speciem pingere perdidicerit, posse eum cuiusvis vel formae vel aetatis, etiamsi non didicerit, pingere neque esse periculum, qui leonem aut taurum pingat egregie, ne idem in multis aliis quadrupedibus facere non possit—neque est omnino ars ulla, in qua omnia, quae illa arte effici possint, a doctore tradantur, sed qui primarum et certarum rerum genera ipsa didicerunt, reliqua [non incommode] per se adsequentur—similiter arbitror in hac sive ratione sive 70
exercitatione dicendi, qui illam vim adeptus sit, ut eorum mentis, qui aut de re publica aut de ipsius rebus aut de eis, contra quos aut pro quibus dicat, cum aliqua statuendi potestate audiant, ad suum arbitrium movere possit, illum de toto illo genere reliquarum orationum non plus quaesiturum esse, quid dicat, quam Polyclitum illum, cum Herculem fingebat, quem ad modum

6. *iura, qui*: om. *A*. 10. *sint M*: *sunt* legebatur. 12. *hominis unius* KS e coni. *hominum M*: *hominis OP ς* PH: *hominum unam* non male Reid. 18. *non incommode*, om. *M*. 19. *per se adsequentur* PK.: *perse . . . tur AZγ*; *persequantur EH*. *per se adsequuntur* S.

conjunction (*moremque* is only found in one inferior MS.) makes it highly probable that *morem hominum* is only a gloss of *usum*. In the next clause, translate 'in our social relations and political life.'

2. **sensu communi**: cp. i. 4. 13 (note). **in natura**, sc. hominis.

3. **comprehendenda esse**, 'ought to be thoroughly mastered.'

6. **iura**, 'legal principles;' **leges**, 'statutes.'

7. **simpliciter**, 'straightforwardly,' not 'simply.'

splendide, 'clearly,' in a fresh, vigorous manner, opposed to barren verbal quibblings. Ernesti (Lexic. Techn. p. 369) is not satisfied with the meaning 'clear,' and prefers to interpret it of 'unassuming dignity of expression.'

12. **necesse esse**, sc. arbitror: there is no need for the change to *est*, adopted by some editors on the suggestion of Lambinus. So with **posse** and **neque esse**.

17. **primarum**, 'the most important.'

18. **genera ipsa**, 'the general types.'

19. **sive—sive**: cp. § 29 'sive artificium sive studium dicendi.'

22. **cum aliqua statuendi potestate**, equivalent to 'dominus rei,' in § 72.

24. **non quaesiturum esse**, 'will not be at a loss.'

25. **Polyclitum**: it is more common

pellem aut hydram fingeret, etiamsi haec numquam separatim
17 facere didicisset.' Tum Catulus 'praeclare mihi videris, Antoni,
71 posuisse' inquit 'ante oculos, quid discere oporteret eum, qui orator esset futurus, quid, etiamsi non didicisset, ex eo, quod didicisset, adsumeret; deduxisti enim totum hominem in duo genera solum causarum, cetera innumerabilia exercitationi et similitudini reliquisti: sed videto ne in istis duobus generibus hydra tibi sit et pellis, Hercules autem et alia opera maiora in illis rebus, quas praetermittis, relinquantur; non enim mihi minus operis videtur de universis generibus rerum quam de singulorum causis ac multo etiam maius de natura deorum quam de hominum litibus dicere.'
72 'Non est ita,' inquit Antonius; 'dicam enim tibi, Catule, non tam doctus quam, id quod est maius, expertus: omnium ceterarum rerum oratio, mihi crede, ludus

5. *totum hominem* ω: *totam hanc rem* K. e coni. 7. *videto* S cum M^1: *vides* γ. *vide* KP. 8. *in illis rebus M* KH. *ne in illis rebus* PS.

to reproduce the Greek ει by *i* before consonants (as Clitus, Euclides, etc.) and so it is written in *A* and most other MSS. here. There is some authority for *Polycletus* in Cicero, and it is found on an inscription, Orell. 3245, but Kühner, i. p. 58, is hardly correct in saying that it is the more common form. Cicero mentions him in seven other places, and the best editors always give *-clitus*, though the MSS. constantly vary. Cp. Madvig on de Fin. ii. 34. 115; Zumpt on Verr. iv. 3. 12; Acad. ii. 47. 146 (Reid); Kühner on Tusc. i. 2. 4; Brut. 18. 70; 86. 296 (Kayser) Parad. 5. 37. Polycleitus of Sicyon became a citizen of Argos, and hence some writers have incorrectly supposed that Polycleitus of Sicyon was a different man from Polycleitus of Argos. This was not the case, although there was also a *younger* Polycleitus of Argos. The elder Polycleitus was a pupil of Ageladas along with Pheidias (who seems to have been 16 or 18 years his senior) and Myron. As Pheidias was unrivalled in his statues of deities, so Polycleitus was unequalled in his human figures, and his Doryphorus was regarded as the ideal of human beauty (cp. Or. 2. 5; Brut. 86. 296). His principal works are enumerated in an excellent article by P. S. in the Dict. Biogr. Cp. also Overbeck, Geschichte der Griechischen Plastik, i. pp. 340–355. The statue of Heracles and the Hydra is not elsewhere mentioned; for it is evidently not the same as the Heracles Hageter, arming himself, which was at Rome in the time of Pliny (xxxiv. 8. 56, Detlefsen).

3. **inquit**, added from the *codd. mutili*. Its position is one very common in Cicero. Cp. i. § 74, 80, 99, 105, 122, 136, etc.

5. **deduxisti**, etc. i. e. you have brought a man entirely away from the distracting multiplicity of various kinds of oratory, and confined him to two classes. The metaphor is perhaps a military one: to confine the whole strength of a man to two positions, and not let it be broken up in an attempt to hold too many.

7. **similitudini**, 'analogy.'

videto (from the better MSS.), a more impressive warning than the more usual *vide*. Dr. Reid on pro Balb. § 17 allows that the forms in *-to*, *-tote* convey a somewhat stronger and more formal command or entreaty than the shorter forms: but in a later note on de Sen. § 3 he says that a careful examination of a very large number of instances has convinced him that no distinction in meaning or use can be drawn between the fuller and the shorter forms. Cp. Roby, § 1495. Translate 'you must see to it.'

14. **mihi crede**, always used by Cicero in this order, except in four instances (all in the letters to Atticus: cp. Kühner, ii. 758), possibly to avoid the dactylic rhythm: but cp. Reid on Acad. ii. 117. Ter. Phorm. 494 has 'crede mihi.'

ludus, 'child's play:' cp. de Fin. i. 8. 27 'cum praesertim illa perdiscere ludus esset.'

est homini non hebeti neque inexercitato neque communium litterarum et politioris humanitatis experti; in causarum contentionibus magnum est quoddam opus atque haud sciam an de humanis operibus longe maximum; in quibus vis oratoris plerumque ab imperitis exitu et victoria iudicatur; ubi adest armatus adversarius, qui sit et feriendus et repellendus; ubi saepe is, qui rei dominus futurus est, alienus atque iratus aut etiam amicus adversario et inimicus tibi est; cum aut docendus is est aut dedocendus aut reprimendus aut incitandus aut omni ratione ad tempus, ad causam oratione moderandus; (in quo saepe benevolentia ad odium, odium autem ad benevolentiam deducendum est;) aut tamquam machinatione aliqua tum ad severitatem tum ad remissionem animi, tum ad tristitiam tum ad laetitiam est contorquendus; omnium sententiarum gravitate, omnium verborum ponderibus est utendum; accedat oportet 73 actio varia, vehemens, plena animi, plena spiritus, plena doloris, plena veritatis. In his operibus si quis illam artem comprehenderit, ut tamquam Phidias Minervae signum efficere possit, non sane, quem ad modum, *ut* in clipeo idem artifex, minora illa

12. *aut* e coni. Madvig. *qui ut M* Fr.: *cum* voluit Str. *qui* volgo legebatur. 19. *ut in clipeo,* Ern. SAH. *in clipeo ω.* *idem artifex* incl. PK (parum recte).

1. **communium litterarum et politioris humanitatis** = 'ordinary liberal education,' as compared with 'interiores et reconditae litterae,' de Nat. Deor. iii. 16. 42.

3. **haud sciam an**: i. 60. 255 (note).

5. **exitu et victoria iudicatur**: cp. Bacon, Advancement of Learning, Book II. x. 2 'For almost all other arts and sciences are judged by acts or masterpieces, as I may term them, and not by the successes and events. The lawyer is judged by the virtue of his pleading, and not by the issue of the cause. The master of the ship is judged by the directing his course aright, and not by the fortune of the voyage' (quoted with other interesting passages by Cope on Ar. Rhet. i. 14). This is discussed more fully below in § 178, §§ 182 ff.

7. **rei dominus** = 'arbiter,' κύριος: as in Ar. Rhet. i. 8 περὶ μὲν οὖν τῶν ἄλλων δεῖ ὡς ἐλαχίστων ποιεῖν κύριον τὸν κριτήν: and Xen. Hell. vii. 3. 6 τοὺς κυρίους οὕστινας δεῖ ἀποθνήσκειν καὶ οὕστινας μή.

9. **dedocendus**, i. e. requires to have his prejudices removed. Cp. ἀναλαβεῖν τὸν ἀκροατήν in Ar. Rhet. i. 10, though the meaning there becomes more general.

10. **ad tempus**, 'to suit the occasion.'

moderandus, 'managed,' not (I think) as Pid. 'set,' with a metaphor taken from a lyre.

in quo: cp. i. 246 (note).

12. **machinatione**, 'engineering process;' hence the apologetic 'tamquam,' and the strong phrase 'contorquendus;' not as the dictt. based on Freund give it, 'contrivance.'

14. **sententiarum gravitate**, 'impressive thoughts.'

15. **verborum ponderibus**, 'weighty words.'

16. **actio**, 'delivery.'

spiritus, 'confidence,' 'energy:' in this sense Cicero always uses the *plural* in the nom. and acc.

doloris, 'pathos.'

19. **non sane laborabit quem ad modum discat**, 'he will certainly not have any difficulty in learning.' Cp. pro Flacc. 4. 10 'numquam laborant quem ad modum probent quod dicunt.' Acad. ii. 4. 10 'non laboro quam valde ea quae dico probaturus sim.'

clipeo, so in all good MSS. here;

18 opera facere discat, laborabit.' Tum Catulus 'quo ista maiora
74 ac mirabiliora fecisti, eo me maior exspectatio tenet quibusnam rationibus quibusque praeceptis ea tanta vis comparetur; non quo mea quidem iam intersit—neque enim aetas id mea desiderat et aliud genus quoddam dicendi nos secuti sumus, qui numquam sententias de manibus iudicum vi quadam orationis extorsimus ac potius placatis eorum animis tantum, quantum ipsi patiebantur, accepimus—sed tamen ista tua nullum ad usum meum,
75 tantum cognoscendi studio adductus requiro; nec mihi opus est Graeco aliquo doctore, qui mihi pervolgata praecepta decantet, cum ipse numquam forum, numquam ullum iudicium aspexerit; ut Peripateticus ille dicitur Phormio, cum Hannibal Karthagine expulsus Ephesum ad Antiochum venisset exsul proque eo, quod eius nomen erat magna apud omnis gloria, invitatus esset

and in an inscription dating towards the end of the first century A.D. (I. R. N. 5250); *clupeus* in the Mon. Ancyr. vi. 20; and in C. I. L. ii. 1263, 1286 [and in xiv. 2794, between 51 and 54 A.D. J. S. R.]; so Ribbeck, Prol. in Verg. p. 450. Keller, Epilegomena zu Horaz, p. 98, lays it down that *clipeus* not *clupeus* is the genuine classical form: *clypeus* of course is a barbarism. Cp. Schuchardt, Vulgärlat. ii. 226. For the famous chryselephantine statue of Athena in the Parthenon, by Pheidias, cp. Pausan. i. 24. 7; Plin. Hist. Nat. xxxvi. 5. 18. The latter says 'in scuto eius Amazonum proelium caelavit intumescente ambitu, in formae eiusdem concava parte deorum et gigantum dimicationes, in soleis vero Lapitharum et Centaurorum, adeo momenta omnia capacia artis illi fuere.' Cp. Michaelis, Parthenon, p. 268; Overbeck, op. cit. i. 224–228. It is said that Pheidias was imprisoned for having introduced the representation of Pericles and himself on this shield (Cic. Tusc. i. 15. 34; Plut. Pericl. 31), and died in prison. There is a fragment of a marble shield in the British Museum, which is believed to be a reproduction of the shield of Athena, containing the figure of a bald-headed combatant, evidently a portrait, and plausibly assumed to be that of Pheidias himself. See Or. 71. 234 (Sandys).

idem artifex, sc. fecit. *ut* was added by Ernesti, and has been accepted by the recent editors, except Kayser and Piderit, who prefer to bracket 'idem artifex.' This is neater, but 'idem artifex' is found in the *cod. mutili*, which are not characterized by interpolations; hence it is better to retain it. Dr. Reid prefers 'quem ad modum in clipeo idem artifex, *ut* minora,' which is certainly simpler.

§§ **74–84.** *An anecdote told by Catulus of the absurd conduct of a Greek rhetorician* (§ 75), *as illustrating the little value of theory not based upon experience* (§ 76), *leads to a brief criticism by Antonius of some of the superfluous or misleading precepts of the ordinary rhetorical systems* (§§ 77–84).

3. **non quo**: i. 6. 23 (note).

4. **id mea**; *id* is somewhat out of its natural place, from Cicero's love of bringing pronouns together.

7. **ac potius**: we might have expected *sed potius*; but this is in accordance with Cicero's usage. Cp. Seyffert on Lael. 8. 26.

8. **ista tua**, 'your views.'

10. **decantet**: cp. *cantilena* in i. 23. 105; *carmen* in i. 57. 245; ὑμνεῖν in Greek.

12. **Phormio**: nothing further is known of this man; his name occurs in an untrustworthy list by the Anonymus of Menage: cp. Zeller Ph. d. Gr. ii. 2, p. 927. Stobaeus, Floril. tit. 54 (vol. ii. p. 330 Mein.) tells a similar story, Ἀννίβας ἀκούσας Στωικοῦ τινος ἐπιχειροῦντος ὅτι ὁ σοφὸς μόνος στρατηγικός ἐστιν, ἐγέλασε, νομίζων ἀδύνατον εἶναι ἐκτὸς τῆς δι' ἔργων ἐμπειρίας τὴν ἐν τούτοις ἐπιστήμην σχεῖν.

13. **ad Antiochum venisset**: B.C. 195: Mommsen, ii. 202. 256.

proque eo, quod, 'inasmuch as:' cp. Liv. xxxviii. 49. 13 'pro eo quod pluribus verbis vos quam vellem fatigavi:' Roby, § 2074.

ab hospitibus suis, ut eum, quem dixi, si vellet, audiret; cumque is se non nolle dixisset, locutus esse dicitur homo copiosus aliquot horas de imperatoris officio et de [omni] re militari. Tum, cum ceteri, qui illum audierant, vehementer essent delectati, quaerebant ab Hannibale, quidnam ipse de illo philosopho iudicaret: hic Poenus non optime Graece, sed tamen libere respondisse fertur, multos se deliros senes saepe vidisse, sed qui magis, quam Phormio deliraret, vidisse neminem. Neque mehercule iniuria: quid enim 76 aut adrogantius aut loquacius fieri potuit quam Hannibali, qui tot annis de imperio cum populo Romano omnium gentium victore certasset, Graecum hominem, qui numquam hostem, numquam castra vidisset, numquam denique minimam partem ullius publici muneris attigisset, praecepta de re militari dare? Hoc mihi facere omnes isti, qui de arte dicendi praecipiunt, videntur; quod enim ipsi experti non sunt, id docent ceteros; sed hoc minus fortasse errant, quod non te, ut Hannibalem *ille*, sed pueros aut adulescentulos docere conantur.' 'Erras, Catule,' **19** inquit Antonius 'nam egomet in multos iam Phormiones incidi. 77 Quis enim est istorum Graecorum, qui quemquam nostrum quicquam intellegere arbitretur? Ac mihi quidem non ita molesti sunt; facile omnis perpetior et perfero; nam aut aliquid adferunt, quod mihi non displiceat, aut efficiunt, ut me non didicisse

3. *omni re*: *re M*: *imperii H.*

2. **dicitur homo copiosus**, repeated after 'dicitur Phormio,' because of the long intervening clause.

6. **libere**, 'frankly enough,' = μετὰ παρρησίας.

7. **multos . . . saepe**: a conversational pleonasm, especially common in Plautus: cp. Capt. 44, 327, 993, etc.; in Cic. Lael. 1. 2; de Off. ii. 6. 20 (Holden); Tusc. i. 30. 74 (Kühner): so in Greek πολλὰ πολλάκις.

deliros senes, 'old dotards.'

10. **tot annis**, not exactly 'for so many years,' without interruption, which in Cicero seems almost always to be in the accus. but 'at various times within so many years:' cp. Roby, § 1185. The only instance of the ablative among the passages quoted by him in § 1184, note 3, which implies the notion of unbroken continuance is de Off. iii. 2, 8 'triginta annis vixisse Panaetium,' for which see Holden ad loc. and Kühner, ii. 266; Roby, § 1206. In de Div. i. 19. 38 'multis saeclis verax fuisse id oraculum,' the meaning is evidently that it had proved true at whatever time it had been consulted during many ages: so in the saying of Cicero quoted by Quintilian (vi. 3. 73), 'hoc illam iam viginti annis audio,' the force is 'I have been hearing that any time these twenty years.' Cp. Mayor on de Nat. D. ii. 9. 22, 'isto spatio.' Possibly however Quint. was misled by the looser practice of his own time, and misquoted Cicero. The question of these ablatives is well discussed in Landgraf's edition of Reisig-Haase's 'Syntx,' p. 683 ff.

16. **ut Hannibalem**, *ille* can hardly be spared, though the MS. authority for it is worthless. (So Harn. and Cima.) I cannot accept Pid.'s notion that there is a reference to the 'oratorical generalship' of Antonius, showed in the skill with which he marshalled his arguments: *aut Hannibalem* (Müller's conjecture, found in one MS.) is not a happy emendation.

minus paeniteat; dimitto autem eos non tam contumeliose quam philosophum illum Hannibal, et eo fortasse plus habeo etiam negotii: sed tamen est eorum doctrina, quantum ego iudicare
78 possum, perridicula: dividunt enim totam rem in duas partis, in causae controversiam et in quaestionis: causam appellant rem positam in disceptatione reorum et controversia; quaestionem autem rem positam in infinita dubitatione; de causa praecepta
79 dant; de altera parte dicendi mirum silentium est. Deinde quinque faciunt quasi membra eloquentiae, invenire quid dicas, inventa disponere, deinde ornare verbis, post memoriae mandare, tum ad extremum agere ac pronuntiare; rem sane non reconditam; quis enim hoc non sua sponte viderit, neminem posse dicere, nisi et quid diceret et quibus verbis et quo ordine diceret haberet et ea meminisset? Atque haec ego non reprehendo, sed ante oculos posita esse dico, ut eas item quattuor, quinque, sexve partis vel etiam septem, quoniam aliter ab aliis digeruntur, in
80 quas est ab his omnis oratio distributa: iubent enim exordiri ita, ut eum, qui audiat, benivolum nobis faciamus et docilem et

2. Post *Hannibal* lacuna xiv fere litterarum in *H*.

1. **paeniteat**: so *AH*, not (as Sorof) *poeniteat*: the connexion with *poena* is indirect, not direct: cp. Corssen, i². 370. Keller on Hor. Epod. ii. 8. So always the Bembine in Terence; and the Ambrosian in Plautus: cp. Ritschl, Proll. ad Trin. p. xcvii.

3. **doctrina**, 'system.'

4. **dividunt**: Introd. p. 60. Cp. de Inv. i. 6 (Hermagoras) 'oratoris materiam in causam et in quaestionem dividit.'

5. **controversia** here has the general meaning = *dubitatio* or *contentio*: (cp. Sandys on Or. 14. 45): *causa* is a poor translation of ὑπόθεσις, but *quaestio* answers pretty well to θέσις. For *quaestio* he afterwards (in Top. 20 and Part. Or. 18. 61) substitutes *propositum*, *quaestio* being then used in the wider sense. Cp. Causeret, p. 56. But in iii. 28. 109 it has already acquired the special force of a *causa ficta*, which is usual in Seneca.

6. **reorum**: cp. Cicero's definition in § 183.

9. **quinque quasi membra**: Introd. p. 56.

invenire: Cic. avoids the technical word *inventio* (εὕρεσις), except in his early treatise *de Inventione*.

11. **rem sane non reconditam**; the accusative governed virtually by 'faciunt.' Cp. Madvig on de Fin. ii. 23. 75; Kühner on Tusc. i. 43. 102. Tacitus carries the usage further: cp. Nipperdey on Tac. Ann. i. 27. The nom. may be similarly used in apposition if the structure of the preceding clause admits of this case.

12. **viderit**: Roby, § 1485.

posse dicere = 'dicturum fuisse,' the sentence in oratio recta being 'nemo poterat dicere . . . nisi haberet.' Cp. Roby, § 1566, for the indicative forms of *possum* in conditional sentences.

15. **quattuor**, etc. Six subdivisions of a speech are laid down in the 'Rhetorica ad Herennium' (Introd. p. 57); four in the 'de Partitione Oratoria.' The seven were made up by some Stoic rhetoricians, whose terminology however varied; (cp. Volkmann, Rhetorik,² p. 126): the most usually adopted seventh subdivision was the *digressio*, introduced before the *peroratio*.

18. **benivolum**, etc. Cp. Quintil. iv. 1. 5 'id fieri tribus maxime rebus inter auctores plurimos constat, si benevolum, attentum, docilem fecerimus:' so ad Her. i. 4. 6; de Inv. i. 15. 20. *A* has *benivolum*; both forms are well established for the time of Cicero; but *benivolus* and

attentum; deinde rem narrare, et ita ut veri similis narratio sit,
ut aperta, ut brevis; post autem dividere causam aut proponere;
nostra confirmare argumentis ac rationibus; deinde contraria
refutare; tum autem alii conclusionem orationis et quasi per-
orationem conlocant, alii iubent, antequam peroretur, ornandi aut
augendi causa digredi, deinde concludere ac perorare. Ne haec
quidem reprehendo; sunt enim concinne distributa, sed tamen, 81
id quod necesse fuit hominibus expertibus veritatis, non perite:
quae enim praecepta principiorum et narrationum esse voluerunt,
ea in totis orationibus sunt conservanda; nam ego mihi beni- 82
volum iudicem facilius facere possum, cum sum in cursu orationis,
quam cum omnia sunt inaudita; docilem autem non cum polliceor
me demonstraturum, sed tum, cum doceo et explano; attentum

8. *ab hominibus* K cum *B*.

malivolus have most authority in Plautus and Terence. Cp. Corssen, ii². 320. C. F. W. Müller, Cic. ii. 1. p. ix.

1. **narrare, et ita**, so *M*: 'and that in such a way.' KPAH omit *et*. Cp. [de Imp. Pomp. §§ 7, 10, Mur. 53; Div. in Caec. 25; in Cat. i. 6; in Vers. v. 72 J. S. R.] pro Mil. 25, 67 'te enim iam appello, et ea voce ut me exaudire possis.' Kühner, ii. 458, n. 18.

veri similis, etc. 'Most writers following Isocrates, require of narrative three qualities: it must be *clear* (σαφής, lucida, perspicua, manifesta, aperta), *brief* (σύντομος, brevis), and *probable* (πιθανή, verisimilis, probabilis, credibilis)'; Volkmann, Rhet.² p. 153; cp. ad Herenn. i. 9. 14; de Inv. i. 20. 28; Quintil. iv. 2. 31. Cp. below, § 326; and for Aristotle's criticism see the note there and Cope's edition of the Rhetoric, iii. p. 189.

2. **dividere**: cp. ad Her. i. 3. 4 'divisio est per quam aperimus quid conveniat [i. e. the facts admitted by both sides], quid in controversia sit, et per quam exponimus, quibus de rebus sumus dicturi;' and more fully in i. 10. 17 'Causarum divisio in duas partes distributa est, primum perorata narratione debemus aperire, quid nobis conveniat cum adversariis, et si ea, quae utilia nobis erunt convenient, quid in controversia nobis relinquatur [the *propositio*], deinde cum hoc fecerimus, distributione uti debemus; ea dividitur in duas partes, enumerationem et expositionem; enumeratione utemur, cum dicemus numero quot de rebus dicturi sumus—expositio est, cum res quibus de rebus dicturi sumus, exponimus breviter et absolute.' The *divisio* therefore includes the *propositio*: but the latter part might be used alone: hence Cicero says, '*aut* proponere;' *vel* would have given quite a different force. For 'proponere' we have 'causam ponere' in § 331. Cp. Volkmann, p. 173 ff.; Introd. p. 58.

3. **argumentis ac rationibus**, 'proofs and the arguments which establish them.'

4. **quasi perorationem**, apparently the first occurrence of this word, for which therefore Cic. seems to apologize, *quasi* indicating that the word is a tentative translation of ἐπίλογος: cp. Brut. 127 'exstat eius peroratio, qui epilogus dicitur,' and below, § 278. Quint. vi. 1. 55. Afterwards he uses it freely: e.g. Brut. 57. 209; Or. 35. 122: *peroro* however 'to finish speaking' is used earlier, as in the De Invent., and is quoted from the Twelve Tables.

6. **augendi**, 'expansion:' cp. de Inv. i. 51. 97 'Hermagoras digressionem deinde, tum postremam conclusionem ponit . . . ex qua conficiat aliquid confirmationis aut reprehensionis, non argumentando, sed augendo per quandam amplificationem . . . . nobis non placuit hanc partium in numerum poni.'

7. **concinne**, 'neatly,' or 'symmetrically.' Hor. Ep. i. 11. 2.

8. **veritatis**, i. 157.

perite, 'with practical skill.'

10. **conservanda**, 'to be observed throughout.'

vero [crebro] tota actione [excitandis mentibus iudicum], non
83 prima denuntiatione efficere possumus. Iam vero narrationem quod iubent veri similem esse et apertam et brevem, recte nos admonent: quod haec narrationis magis putant esse propria quam totius orationis, valde mihi videntur errare; omninoque in hoc omnis est error, quod existimant artificium esse hoc quoddam non dissimile ceterorum, cuius modi de ipso iure civili hesterno die Crassus componi posse dicebat: ut genera rerum primum exponerentur, in quo vitium est, si genus ullum praetermittitur; deinde singulorum partes generum, in quo et deesse aliquam partem et superare mendosum est; tum verborum omnium definitiones, in quibus neque abesse quicquam decet neque
20 redundare. Sed hoc si in iure civili, si etiam in parvis aut
84 mediocribus rebus doctiores adsequi possunt, non idem sentio tanta hac in re tamque immensa posse fieri; sin autem qui arbitrantur, deducendi sunt ad eos, qui haec docent; omnia iam explicata et perpolita adsequentur; sunt enim innumerabiles de his rebus libri neque abditi neque obscuri: sed videant quid velint; ad ludendumne an ad pugnandum arma sint sumpturi; aliud enim pugna et acies, aliud ludus campusque noster de-

1. *crebro* edd.: *credo* ω. *excitandis mentibus iudicum* incl. K. 2. *efficere possumus* incl. K. 9. *praetermittitur M* PKS: legebatur *praetermittetur*.

1. **excitandis**, i.e. rousing from their inattention. If these words be rejected with Kayser and Cima, it is necessary also to reject *crebro*, which appears in all MSS. (with one doubtful exception) as *credo*, and may well have come from an adscript 'credo excitandis mentibus iudicum.'

2. **denuntiatio**, 'promise,' not limited to a threat of evil, though much more common in this sense: strictly 'a formal notice;' see L. S. under *denuntio*.

Iam vero, 'then again.' Sorof's distinction that *iam* introduces a subdivision, *nunc* a main division, will not be found to hold good always. Cp. Phil. ii. 8. 19; de Off. ii. 3. 13.

3. **brevem**: cp. Ar. Rhet. iii. 16. 4 νῦν δὲ γελοίως τὴν διήγησίν φασι δεῖν εἶναι ταχεῖαν· δεῖ γὰρ μὴ μακρῶς διηγεῖσθαι ὥσπερ οὐδὲ προοιμιάζεσθαι μακρῶς, οὐδὲ τὰς πίστεις λέγειν.

7. **hesterno die**: i. 42. 190.

9. **exponerentur**, assimilated to 'dicebat,' whereas 'est' and 'praetermittitur' are the direct speech of Antonius.

10. **partes**, 'species:' cp. i. 42. 189 (note).

11. **superare** = superesse, chosen here to avoid assonance with 'deesse:' cp. Kritz on Sall. Cat. 20. 11; and de Fin. v. 15. 42 'quod ipsis superat.'

12. **abesse**, 'be lacking,' i. 11. 48 (note).

15. **qui**, from *quis*, indefinite.

17. **adsequentur**, 'find,' in a slightly different sense from 'adsequi' = 'accomplish,' just above. Cp. Mayor on de Nat. D. i. 5. 12 'secutum—sequantur.'

18. **neque abditi neque obscuri**, 'they are not difficult either to discover or to understand.'

19. **ad ludendum**: i. 18. 81 and below, § 89.

20. **campus Martius**: cp. § 253, 287. Cp. de Off. i. 29. 104 'suppeditent autem et campus noster et studia venandi honesta exempla ludendi.' For the exercises of the Campus cp. Hor. Od. i. 8. 3; iii. 7. 25; Sat. ii. 1. 8; Ep. i. 18. 54. The favourite exercise was ball-playing (cp. Marquardt, Privatalt. ii. 421 ff.): but the reference is here perhaps rather to military exercises.

siderat; ac tamen ars ipsa ludicra armorum et gladiatori et militi prodest aliquid; sed animus acer et praesens et acutus idem atque versutus invictos viros efficit [non difficilius arte coniuncta].
Qua re ego tibi oratorem sic iam instituam, si potuero, ut quid 85
efficere possit ante perspiciam: sit enim mihi tinctus litteris; audierit aliquid, legerit, ista ipsa praecepta acceperit; temptabo quid deceat, quid voce, quid viribus, quid spiritu, quid lingua efficere possit. Si intellegam posse ad summos pervenire, non solum hortabor, ut elaboret, sed etiam, si vir quoque bonus mihi videbitur esse, obsecrabo; tantum ego in excellenti oratore et

1. *ac tamen* SH cum *AOP*. *attamen H* KP. 4. *si potuero* PS cum *AEH²OP*: *si potero* K cum Lagg. optimis.

1. **ac tamen**: i. 32. 148 (note). **ars ludicra**: i. 32. 147 (note); de Fin. i. 69.

2. **aliquid** is somewhat emphatic here: 'is of some service.' Cp. Kühner's exx. ii. 464. Pid. quotes Val. Max. ii. 3. 2 'armorum tractandorum meditatio a P. Rutilio consule militibus est tradita: virtutemque arti et rursus artem virtuti miscuit, ut illa impetu huius fortior, haec illius scientia cautior fieret.' For the training of soldiers cp. Marquardt, v. 547–8.

3. **[non difficilius arte coniuncta]** is evidently a feeble addition of a copyist, rejected by Ell. Sor. etc. 'It is the bold, ready and quick-sighted spirit, which is at the same time well-practised, that makes men invincible.' Madvig's conjecture 'non difficili usu arte (*adverb*) coniuncta' I cannot understand. Dr. Reid most ingeniously conjectures 'non desidia arte coniuncta,' which gives excellent sense, and is based upon very common corruptions.

§§ 85–89. *Antonius lays down as the first requisite for the pursuit of oratory, certain natural endowments and capacity, illustrating his remarks by the case of Sulpicius.*

4. **sic . . . ut**: for this restrictive 'sic,' for which 'ita' is more common, cp. Kühner, ii. 822; Roby, § 1704.

si potuero, 'if I find I am able,' fut. perf. because the *posse* must necessarily precede the *instituere*. Cp. Brut. 5. 21 'ego vero, inquam, si potuero, faciam vobis satis.'

5. **tinctus litteris**, 'with some knowledge of literature,' as Ell. rightly says 'nec levissime nec accuratissime litteris imbutus:' a thorough knowledge of literature 'Graecos et umbraticos decebat.' Antonius is here repeating the precept of § 72. So in Brut. 58. 211 'illam [Laeliam] patris elegantia tinctam vidimus' = 'not without some share of his father's elegance of language.' The word is not quite synonymous with 'imbutus.' See note on § 162.

mihi, Roby, § 1151.

6. **ista ipsa praecepta**, i.e. of the ordinary rhetoric of the schools.

7. **quid deceat**, sc. eum, i.e. how far he possesses the grace (*decorum*) which is laid down in i. 29. 132 as the first requisite of *ars*.

spiritu, § 73 (note).

9. **elaboret**: i. 5. 18 (note).

vir bonus. Kühner, ii. 1070 (after Beier, ad de Off. i. 7. 20) lays down the rule that *vir bonus* is a worthy man, a good honest fellow, one who discharges the ordinary duties of life aright (de Off. i. 10. 31; 14. 41), while *bonus vir* is a really good man (ib. ii. 17. 58; 20. 69, etc.), though it falls back into the ordinary meaning if another adjective is coupled with it (de Off. ii. 12. 42 'ab uno iusto et bono viro'). Cp. *un brave homme* and *un homme brave*, etc. But I am by no means sure that this canon will always hold good. We cannot say more than that the position of the adjective before the substantive gives it more emphasis. 'Bonus vir' is used ironically in de Off. ii. 1. 2; iii. 9. 39, and often elsewhere. Perhaps Antonius had in his mind here especially the political meaning of the expression, 'of sound political principles;' but we need not so limit its force. Cp. Cato's definition of an orator 'vir bonus dicendi peritus,' in his treatise 'De Oratore;' and Ar. Rhet. i. 2. 4; ii. 1. 5.

10. **excellenti**: MSS. 'excellente;' but see note on i. 61. 259. It must be admitted however that this is not the only place where all MS. evidence is against the rule generally laid down. Cp.

eodem bono viro pono esse ornamenti universae civitati; sin videbitur, cum omnia summe fecerit, tamen ad mediocris oratores esse venturus, permittam ipsi quid velit; molestus magno opere non ero; sin plane abhorrebit et erit absurdus, ut se contineat
86 aut ad aliud studium transferat, admonebo; nam neque is, qui optime potest, deserendus ullo modo est a cohortatione nostra neque is, qui aliquid potest, deterrendus: quod alterum divinitatis mihi cuiusdam videtur, alterum, vel non facere quod non optime possis, vel facere quod non pessime facias, humanitatis, tertium vero illud, clamare contra quam deceat et quam possit, hominis est, ut tu, Catule, de quodam clamatore dixisti, stultitiae suae
87 quam plurimos testis domestico praeconio conligentis. De hoc igitur, qui erit talis, ut cohortandus adiuvandusque sit, ita loquamur, ut ei tradamus ea dumtaxat, quae nos usus docuit, ut nobis ducibus veniat eo, quo sine duce ipsi pervenimus, quoniam
21 meliora docere non possumus. Atque ut a familiari nostro
88 exordiar, hunc ego, Catule, Sulpicium primum in causa parvula adulescentulum audivi voce et forma et motu corporis et reliquis rebus aptis ad hoc munus, de quo quaerimus, oratione autem celeri et concitata, quod erat ingenii, et verbis effervescentibus

2. *summe M* HFr. *summa* ς edd.

Kühner, i. 217, note 7. Wesenb. on Tusc. D. iii. 10 in Orelli^2.

2. **cum omnia summe fecerit**: 'when he has done everything to the utmost of his power:' the reading of *M* is more likely to have been altered than *vice versa*, *summe* being a rather rare word: but cp. ad Att. xv. 13. 5 'ad me scripsit . . . sese de attributione omnia summa fecisse.'

4. **plane abhorrebit**, 'is quite unfit.'

absurdus, 'out of place:' primarily 'out of tune,' from √*svar* 'to sound.' Cp. 'vox absona et absurda,' iii. 11. 41; 'si absurde canat, qui se haberi velit musicum.' Tusc. ii. 5. 12: Kritz on Sall. Cat. 3. 1. So Liv. xxx. 44. 6 'vestrae istae absurdae atque abhorrentes ('out of place') lacrimae;' ib. xxvii. 37. 13 (Weissenborn). The word is not at all connected with *surdus*.

5. **ad aliud studium**: i. 29. 130.

6. **a cohortatione**, 'in respect of,' etc., not an ablative of agent. But cp. Roby, ii. p. lxxxv.

7. **alterum**: sc. optime posse.

divinitatis, a proof of excellence almost superhuman (cp. § 298).

9. **possis**. Roby, § 1544.

humanitatis, comes within the range of ordinary human action; i. e. is quite natural and allowable to a man, who is therefore not to be prevented from choosing either alternative.

10. **possit**, sc. homo, easily supplied from the following 'hominis.' The more usual 'possis' is found here in some inferior MSS. and is retained by Ern.

11. **clamatore**, restored by Ell. from all the good MSS. for *declamatore*, which is out of place here (but cp. iii. 34. 138; Or. 15. 47). Cp. iii. 21. 81; Brut. 49. 182 'ego tamen ita de uno quoque dicam ut intellegi possit, quem existimem clamatorem, quem oratorem fuisse.'

12. **domestico praeconio**, 'by crying his own wares' (§ 38): cp. Hor. A. P. 419 'ut praeco, ad merces turbam qui cogit emendas:' *praecon-* is contracted from *praevĕcon-*: not quite as Corssen, i^2. 316; ii^2. 684. Cp. *praedes* for *praevides*.

17. **hunc ego**: 'ego' is not emphatic, but only serves to bring out *hunc*, with Cicero's usual love for the accumulation of prepositions. The 'petty case' is not elsewhere mentioned.

18. **voce**, etc. Introd. p. 19.

20. **effervescentibus**: so Cicero says

et paulo nimium redundantibus, quod erat aetatis. Non sum aspernatus; volo enim se efferat in adulescente fecunditas; nam sicut facilius in vitibus revocantur ea, quae se nimium profuderunt, quam, si nihil valet materies, nova sarmenta cultura excitantur, item volo esse in adulescente, unde aliquid amputem; non enim potest in eo sucus esse diuturnus, quod nimis celeriter est maturitatem exsecutum. Vidi statim indolem neque dimisi 89
tempus et eum sum cohortatus, ut forum sibi ludum putaret esse ad discendum, magistrum autem, quem vellet, eligeret; me quidem si audiret, L. Crassum: quod iste adripuit et ita sese facturum confirmavit atque etiam addidit, gratiae scilicet causa, me quoque sibi magistrum futurum. Vix annus intercesserat ab hoc sermone cohortationis meae, cum iste accusavit C. Norbanum, defendente me: non est credibile quid interesse mihi sit visum inter eum, qui tum erat et qui anno ante fuerat. Omnino in illud genus eum Crassi magnificum atque praeclarum natura ipsa ducebat, sed ea non satis proficere potuisset, nisi eodem studio

of his own speech for Sex. Roscius (Or. 30. 107) 'quantis illa clamoribus adulescentuli diximus, quae nequaquam satis defervisse post aliquanto sentire coepimus,' and shortly afterwards 'ipsa illa iuvenilis redundantia.' Cp. Brut. 91. 316 'is (Molo) dedit operam ut nimis redundantes nos et superfluentes iuvenili quadam dicendi impunitate et licentia reprimeret et quasi extra ripas diffluentes coerceret.'

2. **se efferat**, 'should run riot:' cp. § 342. So ὑβρίζειν is used of plants in Theophrastus. Hence *corrigere* is used of the vine-dresser. Notice how the more general term is used where we might have expected the special (*amputare*) and *vice versa*.

3. **revocantur**, 'are checked.'

profuderunt, 'have shot out.'

4. **materies**, 'the wood,' i.e. the stock.

sarmenta, 'shoots,' properly 'cuttings:' 'virgulae abscissae sarmenta: sarpere enim antiqui pro purgare ponebant.' Festus, p. 322, Müll. Cp. Reid on Cat. Mai. § 52.

5. **unde**, i.e. some redundancy from which. Cp. Quintil. ii. 4. 6 'facile remedium est ubertati; sterilis nullo labore vincuntur,' with the context.

6. **sucus**—not 'succus,' which has no good authority here. Cp. Ribbeck on Verg. Ecl. iii. 6; Keller on Hor. Od. iii. 3. 35 (Epileg. p. 197)—'sap.' Donat. 'humor in corpore quo abundant bene valentes;' on Ter. Eun. ii. 3. 27 'corpus suci plenum.'

7. **dimisi**, 'let slip.' Key in 'Proceedings of the Philological Society,' 1855, pp. 1–15, shows well how the compounds of *mitto* usually have the force of 'let go,' not 'send,' a force which of course is very often that of 'mitto' itself; e.g. Plaut. Truc. iv. 2. 43 'mittin' me intro?' = 'will you let me go in?'

8. **ludum ad discendum.** Cicero says of himself (Brut. 90. 311) 'Tum primum [i.e. after his study under Molon at Rhodes, and diligent practice at Rome] nos ad causas et privatas et publicas adire coepimus, non ut in foro disceremus, quod plerique fecerunt, sed ut, quantum nos efficere potuissemus, docti in forum veniremus.' Cp. Sen. Controv. iii. praef. 13: 'totum aliud est pugnare, aliud ventilare: hoc ita semper habitum est, scholam quasi ludum esse, forum arenam.'

11. **gratiae scilicet causa**, 'of course purely out of courtesy.'

13. **C. Norbanum**: Introd. p. 15.

15. **illud genus Crassi**, 'the style of Crassus.'

omnino, 'to be sure:' de Off. i. 79; Hand Turs. iv. 378; Reid on Lael. 69, 98; Acad. ii. 26, 84.

16. **eum** is out of its natural place, being attracted towards the *illud*.

17. **ea**: abl. sc. 'natura.'

eodem = 'in eundem Crassum.' Roby, § 1113.

atque imitatione intendisset atque ita dicere consuesset, ut tota
22 mente Crassum atque omni animo intueretur. Ergo hoc sit
90 primum in praeceptis meis, ut demonstremus, quem imitetur
[atque ita, ut, quae maxime excellent in eo, quem imitabitur,
ea diligentissime persequatur]; tum accedat exercitatio, qua
illum, quem delegerit, imitando effingat atque exprimat, non ut
multos imitatores saepe cognovi, qui aut ea, quae facilia sunt,
aut etiam illa, quae insignia ac paene vitiosa, consectantur
91 imitando: nihil est facilius, quam amictum imitari alicuius aut
statum aut motum; si vero etiam vitiosi aliquid est, id sumere
et in eo vitio *similem* esse non magnum est, ut ille, qui nunc
etiam, amissa voce, furit in re publica, Fufius, nervos in dicendo
C. Fimbriae, quos tamen habuit ille, non adsequitur, oris pra-

4. [*atque ita . . . persequatur*] incl. Sch. (§ 92): desunt in *M*. 6. *non ut multos . . . persequatur* 11. *vitiosum* ω: *vitio similem* AH.

1. **intendisset**: for this intransitive construction cp. i. 30. 135; for *intueor* with acc. cp. i. 2. 6.

§§ **90–98**. *The first rule Antonius gives is for the careful imitation of some good model by means of constant practice* (§§ 91, 92), *which leads to a digression on the various schools of oratory in Greece* (§§ 92–95). *He adds the advice that this practice should be conducted largely by means of writing* (§§ 96, 97); *and qualifies his previous remarks by noticing that some men of original powers can dispense with the imitation of a model* (§ 98).

4. **[atque . . . persequatur]**. Kayser and Sorof after Schuetz bracket these words, as manifestly foisted in from § 92. Harnecker defends them. They are found in *M*.

6. **effingat atque exprimat**, 'may reproduce exactly:' ἐν διὰ δυοῖν, *exprimat* being, as usual, the word which retains less of the figurative force. Cp. Or. i. 3 'Si eum oratorem quem quaeris expressero:' *expressa* of precise resemblance is often opposed to *adumbrata*. Cp. Madv. on de Fin. v. 22. 62. Strictly *adumbrare* denotes sketching in outline, *exprimere* plastic modelling.

9. **amictum**, i. e. the way in which a man wore his toga: Roman orators often paid the greatest attention to the graceful arrangement of its folds. Cp. Quintil. xi. 3. 131, 137 ff.

11. **vitio similem**, a good conjecture, because the point of the passage turns upon imitation. Lachmann's conjecture (Comm. in Lucr., p. 30) 'in eo ambitiosum esse' = 'to plume oneself on this' is very clever, but not so probable.

12. **Fufius** prosecuted M'. Aquilius *de rebus repetundis* after his administration of Sicily, where he had put down the servile war, B.C. 98. Cic. de Off. ii. 14. 50, places this among his instances of justifiable prosecutions: 'in accusando etiam M'. Aquilio L. Fufii cognita industria est.' Cp. pro Flacco, 39. 98; Brut. 62. 222 'multum ab his aberat L. Fufius, tamen ex accusatione M'. Aquilii diligentiae fructum ceperit.' But Antonius had defended Aquilius (Introd. p. 15), and so was no unprejudiced judge. There is no reason for hesitating (with Ellendt) to identify the man here spoken of with the prosecutor of Aquilius. Nothing else is known of his political action: the story told of him in i. 39. 179 goes to show that he was a shameless unprincipled fellow. His style of speaking is severely criticised in iii. 13. 50.

13. **C. Flavius Fimbria**, the colleague of Marius in his second consulship, B.C. 104. Cic. de Off. iii. 19. 77, calls him *consularis*, to distinguish him from his better-known namesake (possibly his son), who was lieutenant to L. Flaccus in the war against Sulla. The latter murdered Flaccus B.C. 85, and the next year committed suicide, when deserted by his soldiers (Mommsen, iii. 306–7, 311). The former perished in the riots of Cinna. Cic. (Brut. 34. 129) says of him 'habitus est sane, ut ita dicam, lutulentus, asper, maledicus: genere toto

vitatem et verborum latitudinem imitatur; sed tamen ille nec
deligere scivit, cuius potissimum similis esset, et in eo ipso, quem
delegerat, imitari etiam vitia voluit; qui autem ita faciet, ut 92
oportet, primum vigilet necesse est in deligendo; deinde, quem
probarit, in eo, quae maxime excellent, ea diligentissime per-
sequatur. Quid enim causae censetis esse, cur aetates extulerint
singulae singula prope genera dicendi? Quod non tam facile in
nostris oratoribus possumus iudicare, quia scripta, ex quibus
iudicium fieri posset, non multa sane reliquerunt, quam in
Graecis, ex quorum scriptis, cuiusque aetatis quae dicendi ratio
voluntasque fuerit, intellegi potest. Antiquissimi fere sunt, quo- 93
rum quidem scripta constent, Pericles atque Alcibiades et eadem
aetate Thucydides, subtiles, acuti, breves, sententiisque magis

5. *probarit* AS. *probavit* KP. etc. 7. *singula* om. K (nescio qua incuria). 13. *sententiisque* SA cum *M*: legebatur *sententiis*.

paullo fervidior atque commotior, diligentior tamen et virtute animi atque vita bonus auctor in senatu.' The other Fimbria was noted for his vehement style of speaking: 'qui omnia magna voce dicens, verborum sane bonorum cursu quodam incitato, ita furebat tamen, ut mirarere tam alias res agere populum ut esset insano inter disertos locus.' From this Asinius Pollio coined the verb *fimbriare*, Quint. viii. 3. 32.

tamen: i. 47. 205 (note).

oris pravitatem, 'his distorted utterance.' Cp. Quint. i. 1. 13 'oris plurima vitia in peregrinum sonum corrupti.'

1. **verborum latitudinem**, 'broad pronunciation' = πλατειασμός, 'vasta et rustica verborum pronuntiatio,' iii. 12. 45.

sed tamen, i. e. in spite of the real vigour of Fimbria.

5. **probarit**. So Sorof for *probavit* of all (the inferior) MSS. Lachmann, ad Lucr. p. 30, had conjectured *probabit*, the force of which is not quite so good here. Stangl defends the perfect, but his quotations are not parallel.

6. **extulerint**. Sorof proposes *tulerint*, which is more common in the sense of 'bear, produce:' but cp. Brut. 4. 16 'ager cum multos annos quievit, uberiores efferre fruges solet:' Cat. M. 3. 9 'mirificos efferunt fructus:' de Rep. ii. 4. 9 'id quod agri efferant:' hence the alteration is not justified.

10. **ratio voluntasque**, 'style and character:' *voluntas* is literally the purpose, hence the tendency or spirit.

12. **constent**, 'are recognised' as genuine. Similarly in Brut. 7. 27, Cicero speaks of Pericles 'cuius scripta quaedam feruntur:' Quintilian, iii. 1. 14, recognises them to be spurious, 'equidem non reperio quidquam tanta eloquentiae fama dignum, ideoque minus miror esse, qui nihil ab eo scriptum putent, haec autem quae feruntur, ab aliis esse composita.' Nothing is now extant ascribed either to Pericles or Alcibiades, and we have no other reference to any writings of Alcibiades; but Helbig has assigned to him (on very insufficient grounds) the authorship of the pseudo-Xenophontean treatise 'De reditibus Atheniensium.' The words of Demosthenes, Mid. p. 561, λέγειν ἐδόκει πάντων, ὥς φασιν, εἶναι δεινότατος, may fairly be interpreted to imply that Demosthenes knew of no published speeches of his, though Buttman ad loc. argues that he is simply adapting his language to the ignorance of his audience. Cp. the reff. in Westermann, Gesch. der Bereds. § 39. 1, 2. For the style of Antiphon, the best representative of this stage in Attic prose, see Jebb's Attic Orators, i. pp. 18–44, and Introd. p. 30. For the reason why statesmen did not publish their speeches cp. Plat. Phaedr. 257 D σύνοισθά που καὶ αὐτός, ὅτι οἱ μέγιστον δυνάμενοί τε καὶ σεμνότατοι ἐν ταῖς πόλεσιν αἰσχύνονται λόγους τε γράφειν καὶ καταλείπειν συγγράμματα ἑαυτῶν, δόξαν φοβούμενοι τοῦ ἔπειτα χρόνου, μὴ σοφισταὶ καλῶνται.

13. **sententiisque**, more closely coupled with *breves* than with *acuti*.

quam verbis abundantes: non potuisset accidere, ut unum genus
esset omnium, nisi aliquem sibi proponerent ad imitandum.
Consecuti sunt hos Critias, Theramenes, Lysias: multa Lysiae
scripta sunt; non nulla Critiae; de Theramene audimus; omnes
etiam tum retinebant illum Pericli sucum, sed erant paulo uberiore
94 filo. Ecce tibi est exortus Isocrates, [magister istorum omnium,]
cuius e ludo tamquam ex equo Troiano meri principes exi-
erunt; sed eorum partim in pompa, partim in acie inlustres
23 esse voluerunt. Atque et illi, Theopompi, Ephori, Philisti, Nau-

6. *magister istorum omnium*, incl. KS post Lamb.: habet Nonius, p. 344 M.
7. *meri*: Nonius p. 344 M. *innumeri*, ω. 9. *atque M. atqui* K.P. Ell.

2. **proponerent**: the past impf. subj. is often thus used of a *continued* or *repeated* action in the past, where the pluperfect might have been expected. Cp. Roby, § 1530; Madv. § 347 b. obs. 2.

4. **Critiae**; none now extant, except in fragmentary quotations collected by Bach (Lips. 1827): he seems to have written poetry, biography, and πολιτεῖαι. Westerm. p. 58. Whether Theramenes really wrote any speeches seems uncertain. Ib. p. 57. Pauly, Realw. s. v.

audimus: for the tense cp. i. 60. 255 (note).

5. **uberiore filo**, 'of richer texture,' i. e. not so *subtilis*: *filum* is properly 'thread,' but is frequently used thus metaphorically like our 'stuff:' cp. iii. 26. 103, and Reid on de Am. 7. 25, 'aliud quoddam filum orationis tuae.'

6. **Ecce tibi**; 'then mark you,' a phrase of transition, calling attention to what is coming, as something important. The *tibi* is quite general, as in § 85, Tusc. iii. 19. 44 'ecce tibi ex altera parte abs eodem poeta,' and is a *dativus ethicus*: cp. Roby, § 1150; Madv. § 248; Holden on de Off. iii. 21. 83.

magister istorum omnium can hardly be defended, even by the authority of Nonius who often used corrupt MSS. (cp. Madvig on de Fin. i. 18. 61): *istorum*, could not fairly be taken as referring to the writers mentioned just below: cp. § 95. Harn. would read 'historicorum,' Reid 'rhetorum.'

7. **ex equo Troiano**, a comparison used by Cicero also in Phil. ii. 13. 32 'me . . . tamquam in equum Troianum cum principibus includis?' pro Cael. 28. 67, and in a different connexion in Verr. iv. 23. 52; and pro Mur. 37. 78.

meri principes, 'none but chieftains.' All MSS. have *innumeri*, but Nonius, p. 344, expressly reads *meri*. Ell. oddly asserts that Cicero does not use the word elsewhere, but it is quite common in the Epistles (e. g. ad Att. iv. 7. 1; ix. 13. 1; ib. 8) in exactly this sense, and furnishes another instance in which the language of the dialogues and the epistles differs from that of the speeches. Cp. note on i. § 247.

8. **in pompa**: Ern. well says (Clav. Cic. s. v.) 'pompa proprie est, quam nos hodie vocamus *eine Prozession, einen Aufzug* ['a procession' de Off. i. 36. 131]: deinde quia illae pompae magnifice erant apparatae, propterea transfertur ad orationem *generis demonstrativi*, in qua omnibus ornamentis locus est, et quae imprimis ad ostentationem ingenii et eloquentiae pertinet et orationi forensi opponitur.' Cp. i. 18. 81; ii. 83. 388; iii. 45. 117 'scaenam pompamque,' and Or. 13. 42 'dulce igitur orationis genus et solutum et adfluens, sententiis argutum, verbis sonans est in illo epidictico genere, quod diximus proprium sophistarum, pompae quam pugnae aptius, gymnasiis et palaestrae dicatum, spretum et pulsum foro.' See also Reid on Lael. 26. 97. So in Addison, 'All the pomps of a Roman triumph.' For Prynne's interpretation of 'pomps and vanities' of dramatic representations cp. Kingsley's Miscellanies, ii. p. 106.

For **partim** = alii cp. § 308, Roby, § 1429. The reference is here to the rhetorical historians on the one hand, and the forensic orators on the other. Translate 'some wished to win distinction in the parade of processions, others in the field of battle.'

9. **atque**: so the good MSS. for the vulgate *itaque*: Ell. needlessly corrected *atqui*: 'and indeed' leads on to the statement of the reason why this fact was mentioned. *illi* 'the former class.'

Philisti: Ell. and Henrichsen follow

cratae multique alii naturis differunt, voluntate autem similes sunt et inter sese et magistri; et hi, qui se ad causas contulerunt, ut Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus aliique complures, etsi inter se pares non fuerunt, tamen omnes sunt in eodem veritatis imitandae genere versati, quorum quamdiu mansit imitatio, tamdiu genus illud dicendi studiumque vixit; posteaquam exstinctis his omnis eorum memoria sensim ob- 95
scurata est et evanuit, alia quaedam dicendi molliora ac remissiora genera viguerunt. Inde Demochares, quem aiunt sororis filium fuisse Demostheni; tum Phalereus ille Demetrius omnium isto-

2. *et inter se magistri*: *M*: K [*et*] *inter se* [*magistri*].

Goeller in correcting *Philisci,* on the ground that Philistus was not a pupil of Isocrates, and was earlier than Theopompus and Ephorus. But Quint. x. i. 74 mentions Philistus between Theopompus and Ephorus: and Philiscus of Miletus wrote only speeches and a treatise on rhetoric. Cp. Mure, Hist. of Greek Lit. v. 503 (note), and Westermann, § 50, note 10.

Naucrates of Erythrae wrote funeral speeches (Auct. Rhet. Dionys. vi. 1), and was vanquished by Theopompus in the famous competition for the prize offered by Artemisia for a panegyric on her husband Mausollus in B.C. 352. Cp. iii. 44. 173; Or. 51. 172 'omitto Isocratem, discipulosque eius Ephorum et Naucratem.'

For these plurals cp. i. 48. 211, and Bentley on Lucan, i. 267.

1. **voluntate**, as in § 92.

5. **genere veritatis imitandae**, 'style of representation of real life' = ἐν μιμήσει τῆς ἀληθείας: cp. §§ 31, 34; i. 17. 77 (note); Brut. 18. 70 'Canachi signa rigidiora esse, quam ut imitentur veritatem.' Tusc. v. 5. 14 'Cum animum ab ista pictura imaginibusque virtutum ad rem veritatemque traduxeris,' where Kühner quotes ἔργων ἀλήθεια from Thuc. ii. 41. 2. The orators are not mentioned quite in their chronological order: Lycurgus and Hyperides were born in or about B.C. 396, Aeschines in 389, Demosthenes probably in 385, and Dinarchus in 361: Demosthenes is placed first because of his unquestioned superiority; the rest then follow in their due order. Cicero's explanation of the change of style is hardly consistent with the fact that Demochares was trained under the direction of his uncle, and came forward as a public speaker in the year of his death. Mr. Jebb is far nearer the truth in his admirable discussion of the results of the decay of civic life on art (Attic Orators, ii. 433–438). The effects of the teaching of Isocrates are evident in all these orators: Hyperides 'joins the Lysian tradition to the Isocratic, Lycurgus to that derived from Antiphon; Demosthenes shows traces of the influence of Thucydides and Lysias as well as Isocrates: Aeschines, the clever and diligent amateur, shows by his failures how much patient science was needed to bring a faultless music out of all the tones which had now made themselves clear in Attic speech' (Jebb, ii. 432). Dinarchus was a mere imitator of Demosthenes (ib. ii. 374).

6. **genus illud**, sc. Atticum: **alia**, sc. Asiaticum et Rhodium.

8. **remissus** is regularly opposed to *intentus*.

10. **Demostheni**: genitive: Roby, § 484: i. 19. 88 (note).

Phalereus (Φαληρεύς, but in Phaedr. v. 1 Phalārĕus) **ille Demetrius**, a pupil of Theophrastus, the only eminent orator of the school of Aristotle, governor of Athens, under Cassander, 317–307, but expelled at last by Demetrius the son of Antigonus. After his expulsion he fled to Thebes and thence to Egypt, where he wrote many works, and was employed by Ptolemy in drawing up laws, and founding the famous Alexandrian library. In 283 he committed suicide. In Brut. 9. 37 Cicero says 'Phalereus enim successit eis senibus adulescens, eruditissimus ille quidem horum omnium, sed non tam armis institutus quam palaestra; itaque delectabat magis Athenienses quam inflammabat. Processerat enim in solem et pulverem, non ut e militari tabernaculo, sed ut e Theophrasti doctissimi hominis

rum mea sententia politissimus, aliique horum similes exstiterunt. Quae si volemus usque ad hoc tempus persequi, intellegemus, ut hodie etiam Alabandensem illum Meneclem et eius fratrem Hieroclem, quos ego audivi, tota imitetur Asia, sic semper fuisse aliquem,
96 cuius se similis plerique esse vellent. Hanc igitur similitudinem qui imitatione adsequi volet, cum exercitationibus crebris atque magnis tum scribendo maxime persequatur; quod si haec noster Sulpicius faceret, multo eius oratio esset pressior; in qua nunc interdum, ut in herbis rustici solent dicere in summa ubertate,
97 inest luxuries quaedam, quae stilo depascenda est.' Hic Sulpicius 'me quidem' inquit 'recte mones, idque mihi gratum est; sed ne te quidem, Antoni, multum scriptitasse arbitror.' Tum ille 'quasi vero' inquit 'non ea praecipiam aliis, quae mihi ipsi desint: sed tamen ne tabulas quidem conficere existimor: verum et in hoc

1. *politissimus* ς edd. *potentissumus M.* 3. *hodie etiam* ς: *etiam M*: *hodie* codd. perpauci: KPSH. 4. *imitetur M.* *imitatur* ςK. 7. *haec AEH*Fr. *hic* ςKPSH. 8. *pressior*: *praesidia A*: *praesidio H.* 11. *ne te quidem*: *recte quidem A*: *nec te quidem H.* 13. *non* incl. Fr.

umbraculis.' Cp. de Off. i. 1. 3; de Leg. iii. 6. 14; Orat. 27. 94; Quintil. x. 1. 33. 80. It is more common in Cicero to put the qualifying adjective after the name, as in iii. 32. 138; but cp. § 360; i. 22. 103 'Leontinum Gorgiam;' iii. 32. 127 'Eleus Hippias;' 129 'Leontinus Gorgias,' etc.

3. **Meneclem**: Introd. p. 46.

5. **similitudinem**, § 53 (note).

7. **magnis**, 'important,' not, I think, as Sorof = *intentis*. Cp. § 119 'exercitationis maximae;' iii. 27. 105 'maior est illa exercitatio;' Tusc. D. ii. 3. 9 'maxima dicendi exercitatio;' in the face of these parallels Ell. brackets [atque magnis], 'cum intelligi non possint. Deberi puto inepto inepte explicaturo crebras!' This is gloss-hunting run mad.

scribendo, i. 33. 150; 60. 257; Quintil. x. 3. 1 'utilitatis etiam longe plurimum adfert stilus.' Lord Dufferin recently mentioned in public the practice of a friend, who before speaking on any important question would write out a speech seven or eight times, throwing each sheet, as he wrote it, into the fire. Similarly Lord Brougham wrote out repeatedly his more important speeches. There can hardly be any reference, as L. S. says, to the *stilus* of agriculture, which was a pointed 'dibble,' used for making holes, not for pruning. Cp. Colum. xi. 3. 53.

9. **in herbis**, 'in the case of,' i.q. 'de herbis.' Cp. de Off. i. 15. 46 'atque haec in moribus' = so much with regard to character (Holden), iii. 10. 41 'in eo rege,' and often.

in summa ubertate, to be joined with the preceding words, not, as by Ell. with those which follow, 'when there is a very great productiveness.' Cp. Verg. Georg. i. 112 'luxuriem segetum tenera depascit in herba.' Plin. xviii. 154 (Detlefsen) 'inter vitia segetum et luxuria est, cum oneratae fertilitate procumbunt:' ib. 161 'luxuria segetum castigatur dente pecoris in herba dumtaxat, et depastae quidem vel saepius nullam in spica iniuriam sentiunt.' So 'luxuriosa frumenta' in Orat. 17.

12. **scriptitasse**: 'written for the sake of practice,' as in § 51. The editors who quote pro Cluent. 50. 140 'hominem ingeniosum M. Antonium aiunt solitum esse dicere, idcirco se nullam unquam orationem scripsisse, ut si quid aliquando non opus esset ab se esse dictum, posset negare dixisse,' ignore the difference between writing for publication, or at any rate for private circulation, and writing for practice.

quasi vero: Madv. § 444 obs. 1: for the tense Holden on de Off. iii. 9. 39.

14. **tabulas**: cp. in Verr. i. 23. 60 'audimus aliquem tabulas numquam confecisse, quae est opinio hominum de M. Antonio falsa: nam fecit diligentissime.' It was considered a great disgrace for a Roman paterfamilias not to keep his accounts carefully (Pseud.-Ascon. ad l. c. Orell.

ex re familiari mea et in illo ex eo, quod dico, quantulum id cumque est, quid faciam iudicari potest. Atque esse tamen 98 multos videmus, qui neminem imitentur et suapte natura, quod velint, sine cuiusquam similitudine consequantur; quod et in vobis animadverti recte potest, Caesar et Cotta; quorum alter inusitatum nostris quidem oratoribus leporem quendam et salem, alter acutissimum et subtilissimum dicendi genus est consecutus; neque vero vester aequalis *C.* Curio, patre mea sententia vel eloquentissimo temporibus illis, quemquam mihi magno opere videtur imitari; qui tamen verborum gravitate et elegantia et copia suam quandam expressit quasi formam figuramque dicendi; quod ego maxime iudicare potui in ea causa, quam ille contra me apud centumviros pro fratribus Cossis dixit; in qua nihil illi defuit, quod non modo copiosus, sed etiam sapiens orator habere deberet.

Verum ut aliquando ad causas deducamus illum, quem consti- 24 99

3. *multos* incl. K cum Bakio. 8. C. addidit Reid.
15. *constituimus* ω. *instituimus* voluit Ern.

p. 175; also in Bruns, Fontes[5], p. 397); and a creditor's account-books were admitted in law-courts, as evidence of a debt, under some circumstances. Cp. Gaius, iii. 128–134 with Muirhead's or Poste's notes.

in hoc, 'as to the latter charge:' it could be seen to be unjust, from the fact that his affairs were in no confusion.

1. **quantulum id cumque,** a tmesis (found here in M^1) rare, except with an inserted pronoun. The indic. is almost always used with such indefinite pronouns, as in i. 30. 135; cp. Kühner, ii. 787. 8; for the apparent exception in iii. 16. 60 see note there.

3. **et** after a negative, where we should have 'but.'

4. **et in vobis** answers to 'neque vero —Curio' below.

5. **alter,** Introd. p. 25.

6. **leporem,** i. 5. 17 (note): **alter,** Introd. p. 20.

8. **Curio,** C. Scribonius, trib. pleb. in 90, consul in 76, proconsul in Macedonia 75–73; died in 53. His father was praetor in 121: of him Cicero says Brut. 32. 122 'Curio fuit igitur eiusdem aetatis fere [i.e. as the Gracchi] sane illustris orator, cuius de ingenio ex orationibus eius existimari potest: sunt enim et aliae et pro Ser. Fulvio de incestu nobilis oratio .... Scripsit enim alia nonnulla et multa dixit et illustria, et in numero patronorum fuit, ut eum mirer, cum et vita suppeditavisset et splendor ei non defuisset, consulem non fuisse.' The son is mentioned in Brut. 58. 210 'erant tamen, quibus videretur illius aetatis tertius Curio, quia splendidioribus fortasse verbis utebatur, et quia Latine non pessime loquebatur usu, credo, aliquo domestico:' he is criticised severely in the subsequent sections for his want of knowledge, order, and memory. The son of this man again was the well-known adherent of Caesar, tribune in B.C. 50.

patre... eloquentissimo: abl. qual.: cp. in Cat. i. 2. 4 'clarissimo patre' = 'the son of a most illustrious father:' Tusc. i. 55. 85 'Metellus ille honoratis quattuor filiis:' Nägelsb. § 52. 2; Roby, § 1232.

11. **quasi** because *forma* is used metaphorically for 'model:' cp. iii. 9. 31. Sandys on Or. 2.

13. **centumviros:** i. 38. 173 (note). Nothing further is known of this particular case.

§§ 99–113. *In dealing with a particular case Antonius requires first, that the facts of the case should be thoroughly mastered, and states his own practice in this respect* (§§ 99–103). *Then the point at issue is at once perceived, which must come under one of three heads, as to fact, or nature, or definition. These three heads are separately discussed* (§§ 104–113).

15. **aliquando** = 'tandem aliquando,' as often in Cicero: cp. § 274; Tusc.

tuimus, et eas quidem, in quibus plusculum negotii est, iudiciorum atque litium—riserit aliquis fortasse hoc praeceptum; est enim non tam acutum quam necessarium magisque monitoris non fatui quam eruditi magistri—hoc ei primum praecipiemus, quascumque causas erit tractaturus, ut eas diligenter penitusque cognoscat. 100 Hoc in ludo non praecipitur; faciles enim causae ad pueros deferuntur; lex peregrinum vetat in murum ascendere; ascendit; hostis reppulit: accusatur. Nihil est negotii eius modi causam cognoscere; recte igitur nihil de causa discenda praecipiunt; [haec est enim in ludo causarum formula fere.] At vero in foro tabulae testimonia, pacta conventa stipulationes, cognationes adfinitates, decreta responsa, vita denique eorum, qui in causa versantur, tota cognoscenda est; quarum rerum neglegentia plerasque causas et maxime privatas—sunt enim 101 multo saepe obscuriores—videmus amitti; ita non nulli, dum operam suam multam existimari volunt, ut toto foro volitare et a causa ad causam ire videantur, causas dicunt incognitas; in quo est illa quidem magna offensio vel neglegentiae, susceptis

10. [*haec est . . . fere*]: incl. Bakius, KSPH.

Disp. i. 1 (Kühner), Kritz on Sall. Jug. 72. 1.

quem constituimus: 'whom we are setting up,' sc. *ante oculos*, i. e. whose portrait we are painting, as in Acad. ii. 132 'nam aut Stoicus constituatur sapiens aut veteris Academiae,' de Fin. iv. 28. Hence it is needless to read with Ern. Kayser and Sorof 'instituimus.' Cp. 20. 85. We may notice however that the MSS. give 'constituta' for 'instituta' in Tusc. D. iv. 1. 3, where their reading cannot be defended. See Kühner ad loc.

1. **iudiciorum atque litium**: not (as Sorof) suits public and private, criminal and civil actions (cp. de Off. i. 18. 59 'si lis in iudicio sit'): but rather 'trials and suits;' the *iudicium* being (in civil actions) the method of deciding the *lis*, which had previously been discussed *in iure*. Cp. in Verr. iii. 13. 32 'bona tua repetere ac persequi lite atque iudicio.' [For *lit*, the earlier *stlīt* = streit, cp. Vaniček, Et. W. p. 1152; Fick, Wtb³. i. 828.]

2. **riserit**, fut. perf. Roby, vol. ii. pp. ci–cvi. and § 1553.

7. **lex**, etc. Although *exempli causa*, or for a more passing reference *verbi causa* or *gratia* are not unknown to Cicero, he more frequently omits any such phrase, as here: *exempli gratia* (our *e.g.*) does not seem to have any authority earlier than Quintilian. This same illustration is quoted by Quintilian iv. 4. 4 and vii. 6. 6. It is one of a class which furnishes the material for Seneca's 'Controversiae.'

10. The bracketed words are evidently out of place. If genuine they should follow 'accusatur,' but they are more probably a gloss upon the example.

11. **tabulae** 'documents.' § 116.

pacta, 'covenants;' cp. de Inv. ii. 22. 68 'pactum est quod inter aliquos convenit.' **conventa**, 'agreements:' but the phrase *pactum conventum*, expressing the same act from the point of view of the two parties to it, like our contract of 'letting and hiring,' is so common in legal language, that it is better to take the two together: cp. Gaius, iv. 116 'obligatio pacto convento non tollitur: sed placet debere me petentem per exceptionem pacti conventi repelli.' For **stipulatio** cp. note on i. 38. 174.

12. **decreta** magistratuum. **responsa** iurisconsultorum.

16. **operam**, 'practice.'

volitare: i. 38. 173.

18. **neglegentiae**: 'arising from carelessness,' a gen. causae.

rebus, vel perfidiae, receptis; sed etiam illa maior opinione, quod nemo potest de ea re, quam non novit, non turpissime dicere: ita dum inertiae vituperationem, quae maior est, contemnunt, adsequuntur etiam illam, quam magis ipsi fugiunt, tarditatis. Equidem soleo dare operam, ut de sua quisque re 102
me ipse doceat et ut ne quis alius adsit, quo liberius loquatur, et agere adversarii causam, ut ille agat suam et quicquid de sua re cogitarit in medium proferat: itaque cum ille discessit, tris personas unus sustineo summa animi aequitate, meam, adversarii, iudicis. Qui locus est talis, ut plus habeat adiumenti quam incommodi, hunc iudico esse dicendum; ubi plus mali quam boni reperio, id totum abiudico atque eicio. Ita adsequor, ut alio 103
tempore cogitem quid dicam et alio dicam; quae duo plerique ingenio freti simul faciunt; sed certe eidem illi melius aliquanto

12. *abiudico AEH*: *ab iuditio* γ: *abdico* KP Ell. cum Lgg. 2, 13, 36.
13. *et* deletum voluit Reid.

susceptis . . . receptis: the current distinction between *suscipere* = 'to take up unasked' and *recipere* = 'to take up by request' is not quite accurate, as Ell. shows in his note here by a collection of examples. Heitland's note on Div. in Q. Caec. 8. 26 'ego in hoc iudicio mihi Siculorum causam receptam, populi Romani susceptam esse arbitror,'—'*receptam* as in duty bound, *susceptam* of my own freewill,'—ignores the promise which is essential to *recipere*. So Sandys on Or. 1. Madvig's note on de Fin. i. 20. 68 'recipiuntur tantum ea quae demandata et tradita sic suscipimus ut promittamus aliquid et rationem debeamus' goes a little too far in the words 'demandata et tradita.' Cp. Reid on pro Sull. 22, and Att. xv. 14. 3 'causam . . . receptam in fidem tuam.'

1. **opinione.** If an advocate does not get up his case properly, he is exposed to censure (1) on moral grounds (*illa quidem offensio*), either (*a*) for carelessness, or (*b*) for faithlessness: but he is also (2) liable to incur blame, which is thought more grave (*illa maior*), for incapacity. Hence 'maior opinione' is contrasted with 'quae maior est,' and 'opinione' cannot have its usual meaning with comparatives 'than is thought' (as Harn. says), but must mean 'as is commonly thought:' cp. § 210 'illa excellens opinione fortuna.'

3. **inertiae**: 'laziness.' **quae maior est**, 'which is really a more serious one.'

5. **tarditatis**, 'incapacity,' i. 27. 125. Ell. exactly inverts the real force of the two words: it is really a more serious charge to have failed to get up a case from laziness, than to be incapable of dealing with it skilfully. But it is a common-place with moralists that most men would rather be thought knaves than fools. So Lord Melbourne wrote: 'It wounds a man less to confess that he has failed in any pursuit through idleness, neglect, the love of pleasure, etc., which are his own faults, than through incapacity and unfitness, which are the faults of his nature.'

6. **adsit.** Ell. with eight Lg. MSS. reads *assit*. This doubtless represents the usual pronunciation (cp. Roby, i. p. 49, note); but there is not sufficient authority for adopting it as a matter of orthography: it never appears in good inscriptions.

8. **in medium proferat**, 'may advance.'

9. **summa animi aequitate**, 'with the most complete absence of bias,' not as Pid. and Sorof, 'with the greatest calmness,' though this meaning is often found, i. e. de Sen. 1. 1 (Reid), Tusc. Disp. i. 40. 97.

10. **locus**: 'line of argument.' §§ 134, 136, 191; cp. i. 13. 56 (note).

12. **abiudico**, 'reject,' with a play on the preceding *iudico*: cp. de Leg. Agr. ii. 16. 43 'iudicabit Alexandriam regis esse, a populo Romano abiudicabit.'

adsequor: 'I secure this result.'

13. **quid dicam.** Roby, § 1612.

Reid on Sull 22 whatever action a man enters on he may be said suscipere: if on entering it he binds himself to other persons, so that by abandoning it he would be disgraced

dicerent, si aliud sumendum sibi tempus ad cogitandum, aliud
104 ad dicendum putarent. Cum rem penitus causamque cognovi,
statim occurrit animo, quae sit causa ambigendi; nihil est enim,
quod inter homines ambigatur, sive ex crimine causa constat, ut
facinoris, sive ex controversia, ut hereditatis, sive ex delibe-
ratione, ut belli, [sive ex persona, ut laudis,] sive ex disputatione,
ut de ratione vivendi, in quo non aut quid factum sit aut fiat
25 futurumve sit quaeratur aut quale sit aut quid vocetur. Ac
105 nostrae fere causae, quae quidem sunt criminum, plerumque
infitiatione defenduntur; nam et de pecuniis repetundis quae
maximae sunt, neganda fere sunt omnia, et de ambitu raro
illud datur, ut possis liberalitatem atque benignitatem ab ambitu
atque largitione seiungere; de sicariis, de veneficiis, de peculatu
infitiari necesse est: id est igitur genus primum causarum in
iudiciis ex controversia facti; in deliberationibus plerumque ex
106 futuri, raro ex instantis aut acti. Saepe etiam res non sit necne,

4. *sive . . . vivendi*: incl. K. *sive ex persona ut laudis* om. *M*, incl. Ell. S. tuetur Harn. secutus Kiesslingium (Rhein. Mus. N. S. xxviii. 497), qui vult tamen *sive ex laudatione ut personae.* 8. *quid vocetur MKAH. qui vocetur* PS. 10. *infitiatione AH. inficiatione* codd. fere omnes: *quae maximae sunt*: incl. K. 16. *acti* correxit J. S. Reid: codd. *facti.*

3. **causa ambigendi**, 'the point at issue:' for the *constitutio causae* cp. Introd. p. 60. Antonius by using the word **statim** implicitly rejects the doctrine of the schools, which made this a very elaborate affair. Cp. Quint. iii. 6. 22.

4. **sive ex crimine**, etc. We have here (1) forensic oratory, subdivided into (*a*) criminal, (*b*) civil cases; (2) deliberative, either (*a*) practical or (*b*) theoretical. The introduction of panegyric oratory between the two subdivisions of deliberative spoils the symmetry. If it is not due to a gloss it must be regarded as an unfortunate result of the attempt to transfer the *constitutio causae*, which properly applied only to forensic oratory, to the other branches, as is done in Top. 25, and in Quint. iii. 6. 1. Cp. Causeret, p. 61.

6. **disputatione**, 'discussion,' as in the title *Tusculanae disputationes.*

8. **quid vocetur**: cp. Tac. Germ. 6 'idque ipsum inter suos vocantur.' There is no need for Pid.'s correction *qui*, approved by Sorof. I doubt whether Cic. ever says 'qui vocatur?'

10. **quae maximae sunt**, not only for the severity of the penalty involved, and the magnitude of the sums at stake, but especially because they were generally made the occasion for political struggles.

11. **raro datur**, etc. i.e. it is rarely possible to draw the line between liberality and bribery, therefore it is safer to deny the prosecutor's facts.

13. **de veneficiis**: it is very tempting to adopt the combination 'de sicariis, de veneficis' familiar from the Lex Cornelia, and on such points MS. authority is worth little.

14. **genus**, what the rhetoricians called στάσις or *status.*

15. **ex controversia facti**: 'that which is based upon a dispute as to fact.' τὸ ἐκ πράγματος διαφέρον, involving a *constitutio coniecturalis*, Volkmann, p. 57. Nägelsb. p. 22 well quotes this as an instance of an expression which in Greek would have been preceded by the definite article: cp. de Fin. ii. 5. 16 'sic enim appellant hanc dulcem; in motu (= τὴν ἐν κινήσει ἡδονήν), illam nihil dolentis: in stabilitate' (= τὴν ἐν στάσει): de Fat. 1. 1 'nos eam partem philosophiae de moribus (= τὴν περὶ τῶν ἠθῶν) appellare solemus.'

ex futuri, etc. controversia causa constat.

16. **ex instantis**: cp. Tusc. D. iv. 6.

sed qualis sit quaeritur; ut cum L. Opimii causam defendebat apud populum, audiente me, C. Carbo consul, nihil de C. Gracchi nece negabat, sed id iure pro salute patriae factum esse dicebat; ut eidem Carboni tribuno plebis alia tum mente rem publicam capessenti P. Africanus de Ti. Graccho interroganti responderat iure caesum videri; iure autem omnia defenduntur, quae sunt eius generis, ut aut oportuerit aut licuerit aut necesse fuerit aut imprudentia aut casu facta esse videantur. Iam quid vocetur, 107
quaeritur, cum quo verbo quid appellandum sit, contenditur; ut mihi ipsi cum hoc Sulpicio fuit in Norbani causa summa contentio; pleraque enim de eis, quae ab isto obiciebantur, cum confiterer, tamen ab illo maiestatem minutam negabam, ex quo verbo lege Appuleia tota illa causa pendebat. Atque in hoc 108
genere causarum non nulli praecipiunt ut verbum illud, quod causam facit, breviter uterque definiat, quod mihi quidem perquam puerile videri solet: alia est enim, cum inter doctos

8. *quid vocetur M* K AH : *qui vocetur* PS, e coni. 15. *breviterque definiat M*: *breviter uterque* ς S post Halmium: *lucide breviterque uterque*, PAdM^2: (*dilucide* K). *dilucide breviterque* [*uterque*] H.

11 'quae enim venientia metuuntur, eadem adficiunt aegritudine instantia.'

Dr. Reid, to whom the excellent correction *acti* is due, says, '*factum* in the preceding clause is a noun; the two participles *instantis* and *futuri* are in agreement with it: so must *facti* be: but *facti facti* is absurd. By reading *acti* we get the regular contrast to *futuri*.'

res non sit necne: i.e. 'res non quaeritur utrum sit an non sit.'

1. **qualis sit**, the *constitutio generalis*, Volkmann, p. 74.

2. **C. Carbo**, in the year of his consulship, 120, defended L. Opimius, when prosecuted by P. Decius, the trib. pleb., for his murder of Gaius Gracchus and his followers the previous year. Cp. Mommsen, iii. p. 132. For his prosecution by L. Crassus cp. Introd. p. 8. Carbo had previously been a warm supporter of Ti. Gracchus, and was one of the commissioners appointed to carry out his agrarian laws (Mommsen, iii. 101): the occasion and reason of his desertion of the popular party (ib. iii. 106) is not known. For the answer of Scipio cp. Liv. Per. lix 'cum Carbo tribunus plebis rogationem tulisset, ut eundem tribunum plebi, quoties vellet, creare liceret; rogationem eius P. Africanus gravissima oratione dissuasit: in qua dixit Ti. Gracchum iure caesum videri:' pro Mil. 3. 8 'nisi vero existimatis dementem P. Africanum fuisse, qui cum a C. Carbone trib. pl. in contione seditiose interrogaretur quid de Ti. Gracchi morte sentiret, responderit iure caesum videri.' Plut. (Ti. Gracch. c. 21) tells us that when Scipio heard at Numantia the news of his death, he quoted the line of Homer (Od. i. 47) ὣς ἀπόλοιτο καὶ ἄλλος ὅτις τοιαῦτά γε ῥέζοι.

6. **iure**, 'by an appeal to justice.'

7. **necesse fuerit**, e. g. in self-defence, the line which Cicero takes up in his defence of Milo.

8. **quid vocetur**, the *constitutio definitiva*, Volkmann, p. 65.

9. **quid**, indefinite: Roby, § 2272.

13. **lege Appuleia**; first properly explained by Mommsen, iii. 187. It was not a general law of high treason, but one appointing a special commission to investigate the treasons that had been committed during the Cimbrian troubles.

15. **breviter uterque definiat.** The reading of M^1 is easily explained as a 'lipography.' Then to explain the *-que*, *lucide* was inserted, but this is not a Ciceronian word, and if retained, we must correct to *dilucide*. If we omit *uterque* with Harn. we must take *definiat* as in-

homines de eis ipsis rebus, quae versantur in artibus, disputatur, verborum definitio, ut cum quaeritur, quid sit ars, quid sit lex, quid sit civitas, in quibus hoc praecipit ratio atque doctrina, ut vis eius rei, quam definias, sic exprimatur, ut neque absit quic-
109 quam neque supersit; quod quidem in illa causa neque Sulpicius fecit neque ego facere conatus sum; nam quantum uterque nostrum potuit, omni copia dicendi dilatavit, quid esset maiestatem minuere: etenim definitio primum reprehenso verbo uno aut addito aut dempto saepe extorquetur e manibus; deinde genere ipso doctrinam redolet exercitationemque paene puerilem; tum et in sensum et in mentem iudicis intrare non potest, ante enim
26 praeterlabitur, quam percepta est. Sed in eo genere, in quo
110 quale sit quid, ambigitur, exsistit etiam ex scripti interpretatione saepe contentio, in quo nulla potest esse nisi ex ambiguo controversia; nam illud ipsum, quod scriptum a sententia discrepat, genus quoddam habet ambigui; quod tum explicatur, cum ea verba, quae desunt, suggesta sunt, quibus additis defenditur sententiam scripti perspicuam fuisse; ex contrariisque scriptis si quid ambigitur, non novum genus nascitur, sed superioris generis causa duplicatur; idque aut numquam diiudicari poterit

18. futuram *fuisse* maluit Reid.

definite (cp. § 80), or read *definiatur* with Bake. But one party would have to define so as to include the act in question, the other so as to exclude it.

perquam puerile: § 271; i. 49. 214 (note).

1. **artibus**: here 'sciences,' i. e. branches of (theoretical) knowledge.

3. **ratio atque doctrina**, 'scientific method.'

6. **uterque nostrum**: the genitive is regular with pronouns, but not with substantives: cp. Roby, § 1293; Kühner, ii. p. 313. The 3 sing. always seems to be used in such cases (cp. below, § 126), though we have sometimes the 3 plur. after *uterque* with a pronoun of the third person: e. g. Caes. B. C. iii. 30 'uterque eorum . . . exercitum educunt.'

8. **reprehenso verbo uno aut addito aut dempto**, Kühner and Sorof explain 'if objection be taken to the addition or subtraction of a single word.' But it is quite as legitimate and simpler to take it 'if a single word be censured or added or struck out.'

9. **extorquetur**, Quintilian, vii. 3. 17 accepts the doctrine from Cicero: cp. §§ 19–27. His equivalent for *definitio* is *finitio*.

genere ipso, 'by its very nature:' the *genus* is the class to which a thing belongs, and hence the characteristic qualities, by virtue of which it belongs to a particular class.

13. **ex scripti interpretatione**, the *constitutio legitima* of ad Herenn. i. 11. 18. Introd. p. 59.

14. **ex ambiguo** = ἐξ ἀμφιβολίας, a word adopted as a Latin word by Quintilian.

15. **a sententia**, 'from the general drift of the context,' not necessarily (as Sorof says) maintained by one party to the suit. The general purport may be clear; but one side may maintain that the literal force of the words in question must be accepted, even though at variance with what both sides admit to be the purport of the context.

17. **defenditur**, 'it is maintained:' cp. note on i. 39. 178.

18. **ex contrariis scriptis**, 'from writings which contradict one another.' ἐξ ἀντινομίας, cp. ad Her. i. 11. 20 'ex contrariis legibus.'

aut ita diiudicabitur, ut referendis praeteritis verbis id scriptum,
quodcumque defendemus, suppleatur; ita fit, ut unum genus in
eis causis, quae propter scriptum ambiguntur, relinquatur, si est
scriptum aliquid ambigue. Ambiguorum autem cum plura genera 111
sunt, quae mihi videntur ei melius nosse, qui dialectici appel-
lantur, hi autem nostri ignorare, qui non minus nosse debeant,
tum illud est frequentissimum in omni consuetudine vel sermonis
vel scripti, cum idcirco aliquid ambigitur, quod aut verbum aut
verba sint praetermissa. Iterum autem peccant, cum genus hoc 112
causarum, quod in scripti interpretatione versatur, ab illis causis,
in quibus, qualis quaeque res sit, disceptatur, seiungunt; nus-
quam enim tam quaeritur, quale sit genus ipsum rei quam in
scripto, quod totum a facti controversia separatum est. Ita tria 113
sunt omnino genera, quae in disceptationem et controversiam
cadere possint: quid fiat factum futurumve sit, aut quale sit,
aut quo modo nominetur; nam illud quidem, quod quidam
Graeci adiungunt, 'rectene factum sit,' totum in eo est 'quale
sit.' Sed iam ad institutum revertar meum.

Cum igitur accepta causa et genere cognito rem tractare coepi, 27 114

19. *accepta causa et genere cognito* KPSAH Bakio auctore. *accepto causae genere cognitam M. accepto causae genere et cognito* Ell.

1. **referendis praeteritis verbis:** cp. Or. 34. 121 'si quando aliud in sententia videtur esse, aliud in verbis, genus est quoddam ambigui, quod ex praeterito verbo [= 'from the omission of a word'] fieri solet.' This seems to decide the meaning of 'praeteritis,' here, as against Sorof, who holds that it equals 'superioribus.' The passage he quotes from de Inv. ii. 40. 117 'deinde ex superiore scriptura docendum, id quod quaeratur fieri perspicuum,' only shows that a reference back might sometimes remove ambiguity, while the other force of the word is the more common and gives more point here. Cp. Acad. ii. 45 'quae ab eis dicuntur sic persequamur ut nihil in praeteritis relinquamus:' and the use of Praeterita = Παραλειπόμενα as a title for the books of Chronicles.

4. **ambigue,** i. e. when the meaning of the writer is not clear.

6. **hi nostri,** i. e. our friends the rhetoricians.

qui debeant (needlessly altered by Ern. into *debebant*), 'though they ought:' cp. i. 18. 82 (note).

9. **praetermissa** does not differ from *praeterita*, except as carrying more of the force of accidental omission.

15. **factum:** cp. 'ignarus facti futurique' Liv. viii. 7. 12.

16. **quidam Graeci,** i. e. especially Hermagoras: cp. de Inv. i. 11. 16. This was called the *constitutio translativa*, and dealt with the question of the competence of the accuser, or the court or the like. Cp. note on i. 129. Probably the Roman teachers of rhetoric did not keep this distinct from the *qualitas*.

17. **in eo 'quale sit,'** under the head of 'what kind it is.'

§§ 114–151. *Antonius points out the three things necessary for the proper treatment of a case:* (1) *to establish the facts;* (2) *to secure the favour of the judges;* (3) *to excite their feelings* (§ 115). *The case is established* (1) *by evidence or* (2) *by arguments* (§ 116). *The method of handling evidence, and the general arguments as to the value of various kinds, ought to be familiar to the orator from previous reflexion and practice* (§§ 117–119). *He offers to deal with the invention of arguments, leaving the discussion of the most effective way of stating them*

nihil prius constituo, quam quid sit illud, quo mihi sit referenda omnis illa oratio, quae sit propria quaestionis et iudicii; deinde illa duo diligentissime considero, quorum alterum commendationem habet nostram aut eorum, quos defendimus, alterum est adcommodatum ad eorum animos, apud quos dicimus, ad
115 id, quod volumus, commovendos. Ita omnis ratio dicendi tribus ad persuadendum rebus est nixa: ut probemus vera esse, quae defendimus; ut conciliemus eos nobis, qui audiunt; ut animos
116 eorum, ad quemcumque causa postulabit motum, vocemus. Ad probandum autem duplex est oratori subiecta materies: una

7. *audiunt an ut M*: unde St. *audiant ut.*

to Crassus (§§ 120–123). *Crassus urges Antonius to deal himself with a matter which he is so well qualified to treat, and begs him to explain his own practice* (§§ 124–128). *Antonius proceeds to show that a case should be treated by the aid of general points of view* (loci, § 130), *which however can be handled properly only by a practised orator* (§ 131). *The point on which the case turns can always be brought under some general proposition, and it is a great blunder on the part of the rhetoricians to distinguish between general propositions and particular instances* (§§ 132–133): *this is shown by examples* (§§ 134–135), *which prove that the infinite variety of cases presenting themselves in practice can be brought under comparatively few heads* (§§ 136–142). *After a brief digression intended to keep up the conversational character of the exposition* (§§ 143–145), *Antonius explains that the sources from which arguments can be derived for dealing with these general heads must be thoroughly known: this knowledge is a matter partly of natural acuteness, partly of theory, but mainly of attentive study* (§§ 146–151).

Antonius returns to the point from which he had digressed in § 104, 'After I have heard a statement of the case and ascertained to what class it belongs.'

2. **illa oratio**, i.e. the *probatio*, viz. what is the point on which the whole question turns.

3. **commendationem**: §§ 182 ff. 213, 315. Or. 37. 128 'duo sunt, qui bene tractata ab oratore admirabilem eloquentiam faciunt; quorum alterum est, quod Graeci ἠθικὸν vocant, ad naturas et ad mores et ad omnem vitae consuetudinem accommodatum; alterum, quod eidem παθητικὸν nominant, quod perturbantur animi et concitantur, in quo uno regnat oratio. Illud superius come, iucundum, ad benevolentiam conciliandam paratum: hoc vehemens, incensum, incitatum, quo causae eripiuntur.' For the difference of the various uses of ἦθος cp. Cope's Introduction, pp. 108–113.

7. **ad persuadendum**: emphatic from its position, and contrasted with 'ad probandum' below: 'all oratory uses for the production of *persuasion*, three things.' Not as Nägelsb. p. 203. Cp. Sandys on Or. 21. 69. Causeret (p. 82) well quotes from D'Alembert 'Les anciens ont défini l'éloquence le talent de persuader, et ils ont distingué persuader de convaincre, le premier de ces mots ajoutant à l'autre l'idée d'un sentiment actif excité dans l'âme de l'auditeur et joint à la conviction.' For the meaning of *nixa* cp. Reid on Acad. ii. 44; Liv. ii. 50. 9.

9. **Ad probandum**, etc. Here Cicero very closely follows Aristotle (Rhet. i. 2) τῶν δὲ πίστεων αἱ μὲν ἄτεχνοί εἰσιν αἱ δ' ἔντεχνοι. ἄτεχνα δὲ λέγω ὅσα μὴ δι' ἡμῶν πεπόρισται ἀλλὰ προϋπῆρχεν, οἷον μάρτυρες βάσανοι συγγραφαὶ καὶ ὅσα τοιαῦτα, ἔντεχνα δὲ ὅσα διὰ τῆς μεθόδου καὶ δι' ἡμῶν κατασκευασθῆναι δυνατόν, ὥστε δεῖ τούτων τοῖς μὲν χρήσασθαι τὰ δὲ εὑρεῖν. Τῶν δὲ διὰ τοῦ λόγου ποριζομένων πίστεων τρία εἴδη ἐστίν· αἱ μὲν γάρ εἰσιν ἐν τῷ ἤθει τοῦ λέγοντος, αἱ δὲ ἐν τῷ τὸν ἀκροατὴν διαθεῖναί πως, αἱ δὲ ἐν αὐτῷ τῷ λόγῳ διὰ τοῦ δεικνύναι ἢ φαίνεσθαι δεικνύναι. This division became quite a commonplace of rhetoricians: 'consensum fere omnium meruit' (Quintil. v. i. 1); cp. Or. 21. 69, 37. 128. Brut. 49. 185, etc. For 'convince' Cic. elsewhere has 'fidem facere' (Part. Or. 2. 5) or 'docere' (§§ 72, 121, 201) or 'explanare' (iii. 27. 104).

rerum earum, quae non excogitantur ab oratore, sed in re positae
ratione tractantur, ut tabulae, testimonia, pacta conventa, quaes-
tiones, leges, senatus consulta, res iudicatae, decreta, responsa,
reliqua, si quae sunt, quae non reperiuntur ab oratore, sed ad
oratorem a causa [atque a re] deferuntur; altera est, quae tota
in disputatione et in argumentatione oratoris conlocata est; ita 117
in superiore genere de tractandis argumentis, in hoc autem etiam
de inveniendis cogitandum est. Atque isti quidem, qui docent,
cum causas in plura genera secuerunt, singulis generibus argu-
mentorum copiam suggerunt; quod etiamsi ad instituendos
adulescentulos magis aptum est, ut, simulac posita causa sit,
habeant quo se referant, unde statim expedita possint argumenta
depromere, tamen et tardi ingenii est rivulos consectari, fontis
rerum non videre, et iam aetatis est ususque nostri a capite quod
velimus arcessere et unde omnia manent videre. Et primum 118
genus illud earum rerum, quae ad oratorem deferuntur, me-
ditatum nobis in perpetuum ad omnem usum similium rerum
esse debebit; nam et pro tabulis et contra tabulas et pro testibus
et contra testis et pro quaestionibus et contra quaestiones et

4. *reperiuntur ab oratore* M^1 HC: *pariuntur OP* vulg. 5. *a causa atque a re M* (*arte* H^2): *a reis* ς PSAH: *a causa atque* incl. K. *atque a re* incl. AFr. 10. *copias H*Fr.: *copia* AE^1.

1. **in re positae**, explained in § 163 by a phrase which is curiously unlike this in expression, 'neque inhaereant in rei natura.' The πίστεις ἄτεχνοι are supplied by the facts of the case, but they are not derived by the orator from his consideration of the charge itself.

2. **tabulae**: cp. Or. part. 130 'scriptorum autem privatum aliud est, publicum aliud: publicum, lex, senatus consultum, foedus; privatum, tabulae, pactum conventum, stipulatio.'

quaestiones, = 'tormenta' in Quintil. l. c.; the evidence given under torture: cp. Or. part. 14. 50 'saepe etiam quaestionibus resistendum est, quod et dolorem fugientes multi in tormentis ementiti persaepe sunt, morique maluerunt falsum fatendo, quam infitiando dolere.' On the value of evidence thus obtained cp. Ar. Rhet. i. 15. 26. Cope's Introduction, p. 201 ['it plainly appears that his opinion as to the use of torture in extracting evidence is that it is cruel, unnecessary, and futile'], Cicero, pro Sull. 28. 78, ad Herenn. ii. 7. 10, Quintil. v. 4, Antiphon, v. 31 ff., and the very interesting Appendix viii. in C. R. Kennedy's Demosthenes, vol. iv. pp. 382–391.

3. **res iudicatae** = 'praeiudicia,' 'previous decisions.' For the use of these cp. Cicero, pro Cluent. c. 17 sq., pro Mil. c. 5, Demosth. in Mid. 2, contra Eubul. 6.

5. **altera est**, an anacoluthon, changing from apposition to an independent proposition: cp. i. 27. 123 (note), and below, § 295.

11. **posita sit**: § 2.

12. **quo se referant**: i. 32. 145.

expedita, 'ready for use,' as in § 118.

13. **rivulos**: i. e. the ready-made *argumenta* for special cases: cp. Acad. i. 2. 8 'sed meos amicos, in quibus est studium, in Graeciam mitto . . ut ea e fontibus potius hauriant, quam rivulos consectentur,' and § 162.

14. **videre**, 'discern,' not 'look out for,' as in iii. 1. 2 (note). This does not suit well the second 'videre.'

a capite: i. 10. 42 (note) 44. 195.

16. **genus earum rerum**, an explanatory genitive, as in § 63, 128, 200, 341, etc.

17. **in perpetuum**, etc., 'with a view to the future for our use in all similar cases.'

item de ceteris rebus eiusdem generis vel separatim dicere
solemus de genere universo vel definite de singulis temporibus,
hominibus, causis; quos quidem locos—vobis hoc, Cotta et Sul-
pici, dico—multa commentatione atque meditatione paratos atque
119 expeditos habere debetis. Longum est enim nunc me explicare,
qua ratione aut confirmare aut infirmare testis, tabulas, quaestiones
oporteat. Haec sunt omnia ingenii vel mediocris, exercitationis
autem maximae; artem quidem et praecepta dumtaxat hactenus
120 requirunt, ut certis dicendi luminibus ornentur. Itemque illa,
quae sunt alterius generis, quae tota ab oratore pariuntur,
excogitationem non habent difficilem, explicationem magis in-
lustrem perpolitamque desiderant; itaque cum haec duo nobis
quaerenda sint in causis, primum quid, deinde quo modo dicamus,
alterum, quod totum arte tinctum videtur, tametsi artem requirit,
tamen prudentiae est paene mediocris quid dicendum sit videre;
alterum est, in quo oratoris vis illa divina virtusque cernitur, ea,
28 quae dicenda sunt, ornate, copiose varieque dicere. Qua re illam
121 partem superiorem, quoniam semel ita vobis placuit, non recusabo
quo minus perpoliam atque conficiam—quantum consequar, vos
iudicabitis—quibus ex locis ad eas tris res, quae ad fidem
faciendam solae valent, ducatur oratio, ut et concilientur animi
et doceantur et moveantur; [haec sunt enim tria.] Ea vero

14. num *uinctum*? Reid. 22. *haec sunt enim tria* incl. KSCFr. *ea vero*: maluit K. *haec vero*, quem sequitur Fr.

1. **separatim**, 'in the abstract;' apparently the only instance in which this word is so used: *infinite* is more common: but *separare* may sometimes properly be translated 'abstract.' The use is so strange that Dr. Reid suspects a dislocation, so that we should read 'vel separatim a temporibus, hominibus, causis dicere . . . vel definite de singulis.'

2. **definite**, 'in a concrete instance:' cp. iii. 28. 109, and below § 133: also de Rep. ii. 31. 55 'illustribus in personis temporibusque exempla hominum rerumque definio' = 'I give a definite concrete character to my illustrations by quoting famous persons and periods.'

3. **locos**, 'topics.'

5. **longum est**: for the indicative (which is regular in this phrase) cp. Roby, § 1535 a.

me, is put for the *mihi*, which would be expected, to make the subject of 'explicare' clear.

8. **dumtaxat**: cp. i. § 249 (note).

hactenus, 'so far:' never in classical Latin of time: cp. Seyffert on Lael. 7. 24.

9. **dicendi luminibus**, 'ornaments of style:' cp. § 36, and iii. 52. 201 ff.

11. **non habent**, 'do not involve,' cp. iii. 10. 38 'cognitionem habent facilem.'

14. **totum arte tinctum**: 'entirely a matter of theory,' because the theoretical rhetoricians dealt almost exclusively with this side of the subject. For the metaphor cp. Nägelsb. Stil. p. 391.

18. **semel**, 'once for all.'

20. **quibus ex locis**, 'from what general heads,' i. e. what τόποι or *sedes argumentorum* are to be employed. The clause 'quibus . . . ducatur' is a dependent one, explanatory of 'partem superiorem.'

22. **[haec sunt enim tria]**. These words are rightly bracketed by most recent editors, though Pid. (and also Harn.) attempts to defend them, as bringing into additional prominence the simplicity of

quem ad modum inlustrentur, praesto est, qui omnis docere possit, qui hoc primus in nostros mores induxit, qui maxime auxit, qui solus effecit. Namque ego, Catule,—dicam enim non 122 reverens adsentandi suspicionem—neminem esse oratorem paulo inlustriorem arbitror [neque Graecum neque Latinum] quem aetas nostra tulerit, quem non et saepe et diligenter audierim; itaque si quid est in me—quod iam sperare videor, quoniam quidem vos, his ingeniis homines, tantum operae mihi ad audiendum datis—ex eo est, quod nihil quisquam umquam me audiente egit orator, quod non in memoria mea penitus insederit: itaque ego is, qui sum, quantuscumque sum ad iudicandum, omnibus auditis oratoribus, sine ulla dubitatione sic statuo et iudico, neminem omnium tot et tanta, quanta sint in Crasso, habuisse ornamenta dicendi. Quam ob rem, si vos quoque hoc 123 idem existimatis, non erit, ut opinor, iniqua partitio, si, cum ego hunc oratorem, quem nunc fingo, ut institui, crearo, aluero,

5. *neque Graecum neque Latinum* Bakio auctore incl. KP. tuentur ASH. 8. *eius ingenii M.* 10. *orator* om. *B.* incl. K. 16. *oratorem* incl. K.

the division adopted by Antonius, as compared with the 'schematism' of the school rhetoric.

Ea vero quem ad modum inlustrentur: the stress lies on the last word. Antonius means, 'I will do my best to teach you what to say: but you must look to Crassus, the introducer and greatest living master of style, to teach you how to say it.'

2. **possit**: hypoth. subj. 'could, if he chose.'

qui, viz. 'the man who.'

hoc, i. e. the *oratione illustrare* or *ornate dicere*.

in nostros mores induxit, 'made it the rule with us' to aim at good style: but this use of *mores* for *morem* is very strange. Dr. Reid suggests 'hunc primus in nostros morem induxit.'

3. **effecit**, 'carried it to perfection.'

Namque, as often, stands at the head of a sentence, which does not itself state the reason for a foregoing assertion, but is only introductory to it. 'I say this, for, after hearing all the best Greek and Roman orators, my judgment is that no one possessed so many *ornamenta dicendi* as Crassus.'

Catule; especially addressed because of his wide knowledge of letters.

4. **reverens**, rarely used thus for 'dreading' with any subordinate notion of respect, but cp. Tusc. i. 30. 73 'multa adversa reverens.'

neminem . . oratorem: according to the rule for the construction of substantives descriptive of persons. Cp. Or. 30 'Nemo enim orator tam multa scripsit:' Tusc. v. 22. 63 'adhuc neminem cognovi poetam.' Madv. § 91, obs.

6. **et saepe et diligenter audierim**, an evident exaggeration: Antonius had heard some of the most eminent at Athens and at Rhodes, but it is doubtful whether this will defend the retention of the bracketed words.

7. **sperare videor**; 'h. e. sperare posse et debere videor, iure meo sperare videor: vide Cic. p. Planc. 3. 8, Act. i. in Verr. 17. 50, Lael. 4. 15 [with Seyffert's note], ad Fam. xiii. 68.' Madvig apud Henrichs.

10. **in memoria mea**: Brut. 37. 139 'erat (Antonius) memoria summa:' hence he is made to discourse upon memory in §§ 350–360 below.

insederit: for the tense cp. § 320, and Roby, § 1516; for the construction with *in* and the abl. cp. Tusc. D. ii. 4. 11 'in animo poetae . . insedit oratio;' ad Att. i. 11; pro Balb. i. 4.

11. **ego is, qui.** Draeger, § 40.

quantuscumque sum, § 97.

16. **crearo**, etc., i. e. when I have shown what natural capacities he must

confirmaro, tradam eum Crasso et vestiendum et ornandum.'
124 Tum Crassus, 'tu vero,' inquit 'Antoni, perge, ut instituisti; neque enim est boni neque liberalis parentis, quem procrearis et eduxeris, eum non et vestire et ornare, praesertim cum te locupletem esse negare non possis. Quod enim ornamentum, quae vis, qui animus, quae dignitas illi oratori defuit, qui in causa peroranda non dubitavit excitare reum consularem et eius diloricare tunicam et iudicibus cicatrices adversas senis imperatoris ostendere? Qui idem, hoc accusante Sulpicio, cum hominem seditiosum furiosumque defenderet, non dubitavit seditiones ipsas ornare ac demonstrare gravissimis verbis multos saepe impetus populi non iniustos esse, quos praestare nemo posset; multas etiam e re publica seditiones saepe esse factas, ut cum reges essent exacti, ut cum tribunicia potestas constituta; illam Norbani seditionem ex luctu civium et ex Caepionis odio, qui exercitum amiserat, neque reprimi potuisse et iure esse con-
125 flatam? Potuit hic locus tam anceps, tam inauditus, tam lubricus, tam novus sine quadam incredibili vi ac facultate dicendi tractari?

possess, what knowledge he must acquire, and how he is to develope his powers by practice.

4. **eduxeris,** 'reared:' cp. Ter. Ad. 23 'hunc eduxi a parvulo.' So often in Plaut. and Ter. Cp. Spengel on Andr. 274. Similarly in Verg. Aen. viii. 413 and Livy xxi. 44. 15 (Fabri), etc. *Educere,* when used of children, is more commonly though not always (e g. Trin. 512) applied to bodily nurture, *educare,* to mental training. Cp. Krebs-Schmalz, Antibarbarus[6], i. p. 444.

7. **reum consularem,** i. e. M'. Aquilium: cp. § 194, and in Verr. v. 1. 3 'venit mihi in mentem, in iudicio M'. Aquilii quantum auctoritatis, quantum momenti oratio M. Antonii habuisse existimata sit: qui, ut erat in dicendo non solum sapiens, sed etiam fortis, causa prope perorata ipse arripuit M'. Aquilium constituitque in conspectu omnium, tunicamque eius a pectore abscidit, ut cicatrices populus Romanus iudicesque adspicerent adverso corpore exceptas; simul et de illo volnere quod ille in capite ab hostium duce acceperat, multa dixit, eoque adduxit eos qui erant iudicaturi, vehementer ut vererentur ne, quem virum fortuna ex hostium telis eripuisset, cum sibi ipse non pepercisset, hic non ad populi Romani laudem, sed ad iudicum crudelitatem videretur esse servatus.' Introduction, p. 14. Quintil. ii. 15. 7, also refers to this famous defence.

diloricare, only found here in good Latin.

9. **hominem seditiosum,** Norbanum: Introd. p. 14.

12. **praestare,** 'be answerable for:' 'praestare periculum alicuius rei' is a common technical term for 'to take upon oneself the risk of a thing.' Then the usage is extended as in Caes. B.C. iii. 17. 5 'illi neque legatos Caesaris recipere, neque periculum praestare eorum.' Cp. Tusc. iii. 16. 34 'culpam autem nullam esse, cum id quod ab homine non potuerit praestari, evenerit.'

13. **e re publica,** 'in the interests of the state.'

14. **essent exacti**; pluperfects because the expulsion of the kings is spoken of as preceding the speech of Antonius, which was itself to Crassus an event in past time.

15. **ex luctu,** etc., an adjectival expression: 'arising as it did from the mourning,' etc.

16. **exercitum amiserat,** at the battle of Arausio: Mommsen, iii. 183–187.

17. **anceps,** 'dangerous,' nearly synonymous with 'lubricus,' as 'inauditus' with 'novus.'

Quid ego de Cn. Manlii, quid de Q. Regis commiseratione dicam?
Quid de aliis innumerabilibus? In quibus hoc non maxime enituit
quod tibi omnes dant, acumen quoddam singulare, sed haec ipsa,
quae nunc ad me delegare vis, ea semper in te eximia et prae-
stantia fuerunt.' Tum Catulus 'ego vero' inquit 'in vobis hoc **29**
maxime admirari soleo, quod, cum inter vos in dicendo dissimil- **126**
limi sitis, ita tamen uterque vestrum dicat, ut ei nihil neque a
natura denegatum neque a doctrina non delatum esse videatur;
qua re, Crasse, neque tu tua suavitate nos privabis, ut, si quid ab
Antonio aut praetermissum aut relictum sit, non explices; neque
te, Antoni, si quid non dixeris, existimabimus non potuisse potius
quam a Crasso dici maluisse.' Hic Crassus 'quin tu,' inquit 'An- **127**
toni, omittis ista, quae proposuisti, quae nemo horum desiderat:
quibus ex locis ea, quae dicenda sunt in causis, reperiantur; quae
quamquam a te novo quodam modo praeclareque dicuntur, sunt
tamen et re faciliora et praeceptis pervagata; illa deprome nobis
unde adferas, quae saepissime tractas semperque divinitus.'

'Depromam equidem,' inquit 'et quo facilius id a te exigam, **128**
quod peto, nihil tibi a me postulanti recusabo. Meae totius
rationis in dicendo et istius ipsius facultatis, quam modo
Crassus in caelum verbis extulit, tres sunt res, ut ante dixi:
una conciliandorum hominum, altera docendorum, tertia con-

1. *Manlii AEH*: *Mallii* M^2. 4. *ea semper* ω KPH: *quae semper* Bak. S. 14. *dicenda sunt*: *M*KS.: *dicenda sint* P. 19. *petam EK peta A peto H*PS. *meae totius in dicendo rationis et istius ipsius facultatis M*HFr. 20. *orationis* vulg. *moderationis* Madv. Adv. iii. 90. 21. *res* FrH. *rationes* ω.

1. **Cn. Manlius** or **Mallius** was one of the consuls of the year of the defeat at Arausio (B.C. 105). It is quite conceivable that Antonius in his defence of Norbanus, while painting in the strongest colours the indignation of the people at the disaster, digressed into a warm expression of pity for the fate of Mallius, whose misfortune was due to the insubordination of Caepio. C. F. W. Müller adopts the form *Mallius* in pro Mur. 36. Planc. 12; but good MSS. there give *Manlius*; and also in Sall. Jug. 114.

Q. Marcius Rex had been consul in B.C. 118, and founded Narbo Martius: hence he is very likely to have been one of the 'numerous men of note,' who were condemned by the commission of Norbanus. Sorof is in error in representing him as consul along with Mallius.

6. **admirari soleo, quod, . . . uterque dicat,** 'I often express my astonishment . . . that, as I say, each speaks:' the conj. is that of alleged reason.

10. **praetermissum**, accidentally; **relictum**, intentionally.

11. **dixeris**, perf. subj. like 'relictum sit': but in independent clauses, both would have been fut. perf. ind.

12. **quin tu omittis**, etc. Crassus means: No! don't trust to me to fill up any gaps you may leave in your sketch of the ordinary rules about τόποι; but rather omit them altogether. None of the present company requires them. Tell us rather whence you derive your own very admirable method of dealing with a case.

16. **illa**, governed by *adferas*.

21. **res**, 'objects.' 'In all my speaking, and in the exercise of that oratorical power . . . I have three objects in view: first to win over my audience, secondly to instruct them, thirdly to arouse them.' Cp. § 115.

129 citandorum. Harum trium partium prima lenitatem orationis, secunda acumen, tertia vim desiderat, nam hoc necesse est, ut is, qui nobis causam adiudicaturus sit, aut inclinatione voluntatis propendeat in nos aut defensionis argumentis adducatur aut animi permotione cogatur. Sed quoniam illa pars, in qua rerum ipsarum explicatio ac defensio posita est, videtur omnem huius generis quasi doctrinam continere, de ea primum loquemur et pauca dicemus: pauca enim sunt, quae usu iam tractata et

30 animo quasi notata habere videamur. Ac tibi sapienter monenti,

130 Crasse, libenter adsentiemur, ut singularum causarum defensiones quas solent magistri pueris tradere, relinquamus, aperiamus autem capita ea, unde omnis ad omnem et causam et orationem disputatio ducitur. Neque enim quotiens verbum aliquod est scribendum nobis, totiens eius verbi litterae sunt cogitatione conquirendae; nec quotiens causa dicenda est, totiens ad eius causae seposita argumenta revolvi nos oportet, sed habere certos locos, qui, ut litterae ad verbum scribendum, sic illi ad causam

131 explicandam statim occurrant. Sed hi loci ei demum oratori prodesse possunt, qui est versatus in rerum vel usu, quem aetas denique adferet, vel auditione et cogitatione, quae studio et diligentia praecucurrit aetatem. Nam si tu mihi quamvis eruditum hominem adduxeris, quamvis acrem et acutum in cogitando,

8. *usu iam* : *vis .... uiam AEH.* 19. *rerum sed usu AE* : *rerum vel usu* *H*SA : *rebus* ς KP. *rebus* KP. 20. *adferet M.* 21. *praecucurrit M.*

1. **prima . . . desiderat**: cp. Or. 21. 69 'sed quot officia oratoris, tot sunt genera dicendi: subtile in probando, modicum in delectando, vehemens in flectendo, in quo uno vis omnis orationis est.'

5. **animi permotione**: cp. i. 10. 42: *commotio* is also used (§ 216), but much more rarely.

illa pars, i.e. docendi, the establishment of the facts and arguments advanced by the orator.

7. **huius generis**, i.e. persuadendi, which includes all three, conciliare, docere, and movere: the general rules for the first will include those for the other two.

quasi doctrinam. Antonius will not admit any 'doctrine' strictly so called.

9. **videamur**: Cic. is very fond of this use of *videri* to qualify an assertion which might appear somewhat presumptuous. See exx. in Seyffert's Laelius, p. 87. Translate 'which, if I am not mistaken, I have.'

12. **omnis ad omnem**, frequently thus attracted together. **capita** 'sources' § 117.

disputatio = substance of the speech, or argument.

13. **Neque enim . . . nec**, 'for just as . . not, so,' the so-called *simile per negationem*.

16. **seposita**, 'stored up separately,' in the theoretical treatises.

17. **sic illi**, redundant after *qui*: cp. Tusc. iv. 14. 32 'ingeniosi, ut aes Corinthium in aeruginem, sic illi in morbum et incidunt tardius et recreantur ocius;' ib. 30. 64 'est enim metus, ut aegritudo praesentis, sic ille futuri mali:' cp. Madvig on de Fin. v. 24. 71, Reid on Acad. ii. 13, and below, §§ 257, 310.

18. **occurrant**: cp. i. 38. 151.

19. **aetas denique**, 'nothing but years.'

20. **adferet**: with Friedrich I now follow the reading of *M* for *adfert* and *praecurrit*, which however would be legitimate enough in themselves, the propositions being general.

quamvis ad pronuntiandum expeditum, si erit idem in consuetudine civitatis, in exemplis, in institutis, in moribus ac voluntatibus civium suorum hospes, non multum ei loci proderunt illi, ex quibus argumenta promuntur: subacto mihi ingenio opus est, ut agro non semel arato, sed [novato et] iterato, quo meliores fetus possit et grandiores edere; subactio autem est usus, auditio, lectio, litterae. Ac primum naturam 132
causae videat, quae numquam latet, factumne sit quaeratur, an quale sit, an quod nomen habeat; quo perspecto statim occurrit naturali quadam prudentia, non his subductionibus, quas isti docent, quid faciat causam, id est, quo sublato controversia stare non possit; deinde quid veniat in iudicium: quod isti sic iubent quaerere: interfecit Opimius Gracchum. Quid facit causam?

5. *sed [novato et]*: incl. KC: *sed novato* om. M^1. *novato et* om. Lg. 4, 13, 32, 36. *sed novato iterato* Lg. 2. 11. *id est . . . causam*? om. *AH*.

1. **pronuntiandum**, 'deliver himself,' not 'pronounce,' which in Cicero is always *dicere, appellare,* or *exprimere* (iii. 11. 41): cp. i. 61. 261.

3. **hospes**: cp. i. 218, 249; Reid on Acad. i. 9 'nos in nostra urbe peregrinantis.'

4. **subacto**, a metaphor from husbandry: 'well-tilled:' cp. Cato, R. Rust. 161. 1 'locum subigere oportet bene: ubi erit subactus, areas facito:' de Sen. 15. 51 'quae cum gremio mollito et subacto semen sparsum excepit.'

6. **iterato** properly denotes the second ploughing: it would seem therefore that here it is equivalent to *novato*; but it is very doubtful whether the latter word can bear this meaning: certainly the only other passage quoted for it (Ov. Pont. iv. 2. 44 'nec me...oblectat cultu terra novata suo') barely admits of it, and certainly does not require it. *Novalis ager* is land ploughed for the *first* time (Varro L. L. v. 39, Müll. 'ager . . . qui intermittitur a novando novalis'), either when just reclaimed (Plin. H. N. xvii. 5. 3. 39 'caesa vetere silva') or after it has lain fallow for a while. Hence it is probable that *novato* is a gloss upon *semel arato*, and should be banished from the text: and this is confirmed by the fact that it is omitted in *M*. If however the authority of Nonius, who quotes the words, though he often uses corrupt MSS., is held to outweigh these considerations, we must not fall back (with Sorof, Pid. and Harn.) on the very forced explanation of Henrichsen that *novatum* and *iteratum* here correspond to the technical *iteratum* and *tertiatum* respectively; but rather, as Dr. Reid suggests, suppose that Cic. intends to repeat the idea of *semel arato* by the technical term *novato*, and then to strengthen it by *iterato*. He would read 'sed *et* novato et.' *Iterare* is followed by *renovare* in Or. part. 133, but not in a metaphorical use.

7. **litterae**, 'writing;' = 'stilus,' in § 96.

8. **factumne sit quaeratur**, a clause in apposition to *naturam causae*, which might have been introduced by *utrum*, corresponding to *an*, after which *quaeratur* is understood again; viz. 'whether the question is if an act has been done, or whether it is of what character the action is,' etc.

10. **subductionibus**, 'calculations,' as to the section and sub-section of the theoretical scheme, under which the case comes.

12. **quid veniat in iudicium**, 'the point to be decided' = τὸ κρινόμενον: cp. Top. 25. 95 'quae ex statu contentio efficitur, cum Graeci τὸ κρινόμενον appellant, mihi placet id . . . *qua de re agitur* appellari:' Or. 36. 126, Brut. 79. 275. 'Quid faciat causam' is the defendant's plea: 'quid veniat in iudicium' the admissibility of this plea.

13. **interfecit Opimius Gracchum**: the standing instance in the rhetorical treatises: e. g. Or. part. 30. 104, 106. Strictly speaking Opimius did not kill Gracchus. In the grove of Furrina on the right bank of the Tiber the body of Gracchus was found side by side with that of his slave Euporus, or as Plutarch calls him Philocrates, and the report was that the slave had killed his master and then slain himself. But Opimius had attacked Gracchus and his partisans on the Aventine,

Quod rei publicae causa, cum ex senatus consulto ad arma vocasset. Hoc tolle, causa non erit. At id ipsum negat contra leges licuisse Decius. Veniet igitur in iudicium licueritne ex senatus consulto servandae rei publicae causa. Perspicua sunt haec quidem et in volgari prudentia sita; sed illa quaerenda, quae et ab accusatore et a defensore argumenta ad id, quod in
31 iudicium venit, spectantia debent adferri. Atque hic illud vi-
133 dendum est, in quo summus est error istorum magistrorum, ad quos liberos nostros mittimus, non quo hoc quidem ad dicendum magno opere pertineat, sed tamen ut videatis, quale sit genus hoc eorum, qui sibi eruditi videntur [hebes atque impolitum]: constituunt enim in partiendis orationum modis duo genera causarum: unum appellant, in quo sine personis atque temporibus de universo genere quaeratur; alterum, quod personis certis et temporibus definiatur; ignari omnis controversias ad
134 universi generis vim et naturam referri; nam in ea ipsa causa, de qua ante dixi, nihil pertinet ad oratoris locos Opimii persona,

7. *debeant* KPH : *debent AEHS*. 10. *quale sit MK*. *quam sit* PS. 11. *hebes atque impolitum* incl. K. 17. *optimi H*.

and killed all he could. Livy (Perioch. lxi.) says 'L. Opimius accusatus apud populum a Q. Decio trib. pl. quod indemnatos cives in carcerem coniecisset, absolutus est.' (Q. is probably an error for P.: cp. § 135, Brut. 28. 108). Apparently Opimius was prosecuted in the *comitia centuriata* under the *lex Sempronia*, excellently discussed by Heitland on Cic. p. C. Rabirio App. F.

1. **ex senatus consulto**, i. e. 'videant consules ne quid detrimenti respublica capiat.'

2. **tolle, . . . non erit.** 'In such cases Cicero never inserts *et* before the apodosis: other writers insert or omit it indifferently:' Mayor on Juv. i. 155, who quotes other authorities. Kühner, Ausf. Gr. ii. 633, gives an instance of *et* inserted from Cato, R. R. 6. 6 (cp. p. 761).

id ipsum negat licuisse. Decius, like the assailants of Cicero after his consulship, maintained that the senate had not this 'dispensing power:' and undoubtedly his position was constitutionally the true one. Cp. Mommsen, iv. 178.

6. **argumenta** is attracted out of its place into the relative clause: translate 'but we must search for those arguments bearing upon the question at issue which have to be brought forward etc.'

7. **debent.** If we read *debeant* with K. and Pid. *quae* must be taken as a dependent interrogative, and *illa* is by attraction for *illud*, as in Lael. 16. 56 'constituendi autem sunt, qui sint in amicitia fines et quasi termini deligendi.' But this would be a harsher instance than any of those quoted by Reid ad loc. or by Madvig on de Fin. v. 21. 58, and it is needless to take it so in face of the MS. authority for *debent*. Harn. defends *debeant* as a *conj. generalis*.

9. **hoc quidem**, sc. the division into *quaestio* and *causa*. The theorists are not only wrong in their opinion that the distinction is of practical importance, but they are wrong in making it at all.

10. **quale sit genus**: Cicero likes to separate *quam* from the word which it qualifies, both in exclamations and in indirect questions: cp. i. 58. 246: and Reid on Lael. 3. 10, Acad. i. 26: hence there is no objection on this score to the vulgate: but the weight of authority in favour of *quale* is so great, as to make it probable that *hebes atque impolitum* is a spurious addition. Friedrich, followed by Cima, makes the words an independent clause: 'Hebes atque impolitum.' Muther conjectures *imperitum*, needlessly.

12. **duo genera**: Introd. p. 60.

14. **de universo genere quaeratur**, 'a general question is raised.'

17. **locos**, 'points of view,' i. e. line of argument. **oratoris**, 'proper to the orator.'

nihil Decii; de ipso [enim] universo genere infinita quaestio est,
num poena videatur esse adficiendus, qui civem ex senatus con-
sulto patriae conservandae causa interemerit, cum id per leges
non liceret; nulla denique est causa, in qua id, quod in iudicium
venit, reorum personis ac non generum ipsorum universa dubi-
tatione quaeratur. Quin etiam in eis ipsis, ubi de facto ambigitur, 135
ceperitne pecunias contra leges [P.] Decius, argumenta et crimi-
num et defensionis revocentur oportet ad genus et [ad] naturam
universam: quod sumptuosus, de luxurie, quod alieni appetens,
de avaritia, quod seditiosus, de turbulentis et malis civibus,
quod a multis arguitur, de genere testium; contraque, quae pro
reo dicentur, omnia necessario a tempore atque homine ad com-
munis rerum et generum summas revolventur. Atque haec forsitan 136

1. *enim* delet Fr. *vero H.* 8. *ad* inclusi: non habent *M.* 9. *de luxurie* incl. K. 10. *de avaritia* incl. K. *de turbulentis et malis civibus* incl. K. 11. *de genere testium* incl. K.

1. **infinita quaestio est**: cp. Or. part. 30. 106 'ita disceptationes eae, quae in his controversiis oriuntur, quae sunt certis personis et temporibus notatae, fiunt rursus infinitae, detractisque temporibus et personis rursus ad consultationis formam rationemque revocantur.'

4. **denique**, 'in short.'

5. **universa dubitatione** = infinita quaestione, 'a general discussion:' thus *dubitare* = 'discuss:' e. g. pro Rosc. 31. 88 'restat ut hoc dubitemus uter potius Sex. Roscium occiderit;' like ἀπορῆσαι, 'to raise a discussion.' The old reading *disputatione* has less authority here, and is more likely to be a correction.

7. **P. Decius**: the praenomen is omitted in *M*, which have 'decuius;' and the general rule, which requires its insertion only in formal statements, or when the person is mentioned with some respect (well illustrated by Ellendt on iii. 1. 4), allows us to dispense with it here. There seems to be no evidence to determine whether this Decius is the same as the prosecutor of Opimius; although the context somewhat favours this view. Nor do we know whether Decius was *prosecuted* on the charge of receiving money illegally, or simply charged with it. If Ihne is right in his conjecture that the prosecution of Opimius was merely a trick of the oligarchical party, in order to secure an approval of their policy by a judicial vote at a time of strong 'Conservative reaction' (Röm. Gesch. v. p. 110), it is quite conceivable that Decius was afterwards prosecuted by the popular party for *praevaricatio.* But our only other authority for the prosecution (Cic. Orat. part. 30. 106), adds nothing to our knowledge of the circumstances. It is to be noticed however that in that passage Cicero twice omits the praenomen. In Brut. 28. 108 Cicero says 'Flacci autem aemulus P. Decius fuit, non infans ille quidem, sed ut vita, sic oratione etiam turbulentus:' so far as this goes it is in favour of Ihne's hypothesis, Flaccus being of course the well-known adherent of the Gracchi.

8. **ad genus et [ad] naturam universam**, practically a hendiadys, the latter clause serving to define the former. The construction goes on somewhat loosely: it might be stated more completely thus: 'quod sumptuosus est aliquis, id argumentum revocetur oportet ad quaestionem de luxurie,' etc.

12. **ad communis rerum et generum summas**, 'to the general conceptions embracing the circumstances and classes,' contrasted with the particular cases: (cp. § 137) one of Cicero's numerous periphrases for 'abstract questions.' Cp. Causeret, p. 58.

13. **forsitan . . videantur**: so always with Cicero, who does not forget that the word is contracted from *fors sit an*: but in Livy we find the indicative pretty frequently, though even with him the subjunctive is the more common (cp. Kühnast, Liv. Synt. p. 226). The poets use the indicative freely: Kühner, ii. 614.

homini non omnia, quae sunt in natura rerum, celeriter animo
comprehendenti permulta videantur, quae veniant in iudicium
tum, cum de facto quaeratur; sed tamen criminum multitudo
32 est et defensionum, non locorum infinita. Quae vero, cum de
137 facto non ambigitur, quaeruntur, qualia sint, ea si ex reis numeres,
et innumerabilia sunt et obscura; si ex rebus, valde et modica et
inlustria; nam si Mancini causam in uno Mancino ponimus, quotienscumque is, quem pater patratus dediderit, receptus non erit,
totiens causa nova nascetur; sin illa controversia causam facit,
videaturne ei, quem pater patratus dediderit, si is non sit receptus,
postliminium esse, nihil ad artem dicendi nec ad argumenta de-
138 fensionis Mancini nomen pertinet; ac, si quid adfert praeterea
hominis aut dignitas aut indignitas, extra quaestionem est et ea
tamen ipsa oratio ad universi generis disputationem referatur
necesse est. Haec ego non eo consilio disputo, ut homines eruditos redarguam; quamquam reprehendendi sunt qui in genere
definiendo istas causas describunt in personis et in temporibus
139 positas esse; nam etsi incurrunt tempora et personae, tamen
intellegendum est, non ex eis, sed ex genere quaestionis pendere
causas. Sed hoc nihil ad me; nullum enim nobis certamen cum

4. *defensorum AH*: *aut defensionum* PAH: *et defensionum* KS. *non d. aut l. ω.* 17. *describunt* ωPSH: *scribunt* K.

4. **et defensionum, non locorum**: this seems to be the reading required by the sense of the passage: although a man, who is not used to group all phenomena under their proper genera and species, may think that the various questions for the judges are extremely numerous, yet it is the particular charges or particular defences which are infinite in number, not the general lines of argument. Hence Pearce, and (independently) Piderit corrected the MS. reading 'non defensionum aut locorum.' But Reid would defend the MS. text by explaining 'defensionum' of the proper lines of defence, i. e. by the use of generals, not particulars.

Quae vero, etc. 'But the cases where there is no dispute as to the facts of the case, but the question turns upon their character.' For 'quaeruntur' where 'quaeritur' might have been expected, cp. the passages quoted by Reid on Lael. 56. It is a case of the usual preference of Latin for personal rather than impersonal expressions.

6. **modica**, 'limited in number;' a rare use of the word, but one plainly required by the context. Forcellini has no instance really parallel, but cp. § 140.

7. **illustria**, 'clear.'

Mancini causam: i. 40. 181.

9. **totiens**, so *A* and most of the MSS. here: Mr. Roby, § 547, calls *-iēs* post-Augustan, and on the Mon. Ancyr. we always find *-iens*: cp. Corssen, i. 253. Brambach, Neug. 268 f. The rule of the ancient grammarians to use *-ies* for numeral adverbs formed from the cardinal numbers, but *totiens*, *quotiens*, etc. is not borne out by the texts of authors: cp. Neue, ii. 171–175.

10. **ei . . . is**: cp. Reid on Acad. ii. 27.

12. **adfert**, 'contributes,' as proper matter for oratory.

13. **hominis**, of the person concerned.

extra quaestionem = ἔξω τοῦ πράγματος.

ea ipsa oratio, i. e. what is said even upon this point.

15. **homines eruditos**, of course with a certain irony.

17. **describunt**, etc., a compressed expression for *describunt ita ut dicant positas esse*. Cp. Madvig on de Fin. i. 14 'nam illud quidem adduci vix possum ut ea tibi non vera videantur.'

18. **incurrunt**, 'enter in.'

istis esse debet; tantum satis est intellegi ne hoc quidem eos consecutos, quod in tanto otio etiam sine hac forensi exercitatione efficere potuerunt, ut genera rerum discernerent eaque paulo subtilius explicarent. Verum hoc, ut dixi, nihil ad me; 140
illud ad me ac multo etiam magis ad vos, Cotta noster et Sulpici: quo modo nunc se istorum artes habent, pertimescenda est multitudo causarum; est enim infinita, si in personis ponitur; quot homines, tot causae; sin ad generum universas quaestiones referuntur, ita modicae et paucae sunt, ut eas omnis diligentes et memores et sobrii oratores percursas animo et prope dicam decantatas habere debeant; nisi forte existimatis a M' Curio causam didicisse L. Crassum et ea re multa attulisse, quam ob rem postumo non nato Curium tamen heredem Coponii esse oporteret: nihil ad copiam argumentorum neque ad causae vim 141
ac naturam nomen Coponii aut Curii pertinuit; in genere erat universo rei negotiique, non in tempore ac nominibus, omnis quaestio: cum scriptum ita sit SI MIHI FILIUS GENITUR, ISQUE PRIUS MORITUR, et cetera, TUM MIHI ILLE SIT HERES, si natus filius non sit, videaturne is, qui filio mortuo institutus heres sit, heres esse: perpetui iuris et universi generis quaestio non hominum nomina, sed rationem dicendi et argumentorum fontis

1. **tantum satis est,** a phrase discussed by Madvig on de Fin. i. 30.

2. **in tanto otio:** for the proverbial 'otium Graecum' cp. i. 6. 22.

3. **potuerunt:** Bake rightly notices that *poterant* would be more usual of what they could have done, but did not do: cp. Roby, § 1454; but see also § 1535, which shows that no change is needed. Cp. Liv. xxxii. 12. 6 'deleri exercitus potuit, si fugientis victores persecuti essent.'

7. **ponitur** is made to agree with *multitudo,* though it refers more strictly to *causae.*

10. **sobrii,** 'sensible.'

percursas: cp. Or. 15. 47 'facile igitur hic noster . . . quoniam loci certi traduntur, percurret omnes.'

11. **decantatas,** § 75; i. 23. 105.

a M' Curio: Introd. p. 11. This passage furnishes apparently the only evidence that Coponius was the name of the testator, as well as that of the party to the suit, his kinsman.

12. **ea re,** 'therefore,' 'because of this.' The praenomina are inserted for the sake of more emphatic antithesis.

16. **rei negotiique,** 'of the facts of the case.'

17. **si mihi filius,** etc.: cp. de Inv. ii. 42. 122 'paterfamilias cum liberorum nihil haberet, uxorem autem haberet, in testamento ita scripsit: si mihi filius genitur unus pluresve, is mihi heres esto. Deinde quae adsolent. Postea: si filius ante moritur quam in tutelam suam venerit, tu mihi secundus heres esto. Filius natus non est. Ambigunt agnati cum eo, qui est heres, si filius ante quam in tutelam suam venerit, mortuus sit.' The subjunctives *cum . . . sit,* and *si . . . sit,* are used because the clauses are subordinate to *videaturne,* etc. a dependent interrogative, in apposition to *quaestio.* After 'erat' we should have expected 'videretur': but the question is represented as one of present interest.

19. **filio mortuo,** 'if the son died,' abl. abs. not dative.

20. **perpetui,** 'permanent' or 'universal.'

21. **rationem dicendi,** 'systematic discussion,' by the employment of the proper *loci.*

33 desiderat. In quo etiam isti nos iuris consulti impediunt a
142 discendoque deterrent; video enim in Catonis et in Bruti libris nominatim fere referri, quid alicui de iure viro aut mulieri responderit; credo, ut putaremus in hominibus, non in re consultationis aut dubitationis causam aliquam fuisse; ut, quod homines innumerabiles essent, debilitati [a iure cognoscendo] voluntatem discendi simul cum spe perdiscendi abiceremus. Sed haec Crassus aliquando nobis expediet et exponet discripta generatim; est enim, ne forte nescias, heri nobis ille hoc, Catule, pollicitus [se] ius civile, quod nunc diffusum et dissipatum esset, in
143 certa genera coacturum et ad artem facilem redacturum.' 'Et

4. *responderit* ω KSC: *responderint* PAH. 6. *debilitati a iure cognoscendo* ω: incl. K. *debilitati tanto numero cognoscendo* S. *debilitati* [*a iure cognoscendo*] P. 7. *abiceremus* sic codd. boni omnes, ut solent.

1. **nos** attracted out of its natural position to *isti*, according to Cicero's practice with pronouns.

2. **Catonis**: i. 37. 171.

Bruti: M. Junius Brutus is often mentioned by Cicero as an eminent lawyer: cp. de Off. ii. 14. 50 ('iuris civilis imprimis peritus'): Brut. 34. 130; 47. 135. Seven books *de iure civili* were ascribed to him (Pompon. de orig. iur. 3. 89 'P. Mucius et Brutus et Manilius fundaverunt ius civile. Ex his P. Mucius etiam decem libellos reliquit, Brutus septem, Manilius tres):' but Cicero says that only three of them were genuine (pro Cluent. 51. 141). His son was a worthless fellow who attacked Crassus bitterly when the latter was defending Plancius, who was prosecuted by Brutus. Cp. below, § 220 ff. Two fragments from Cato's *commentarii* are given by Huschke, 'Jurispr. Ante-Just. quae supersunt,' p. 2; but the second is evidently a jest, not a legal opinion; nothing is extant of the books of Brutus, but the introductory clauses cited in § 224.

4. **responderit,** indefinite: not necessarily the author, but the authority, whoever he may have been. Doubtless these treatises would record the decisions of others beside the author.

putaremus, past impf., because some word like 'they did this' is understood.

6. **debilitati [a iure cognoscendo].** L. and S. render 'discouraged,' but quote no good parallel. The construction 'weakened from the study of law' is harsh and unexampled: if the bracketed words are genuine we must suppose that some other participle, such as *ac deterriti* has fallen out. Kayser rejects *debilitati* which seems sound, though it does not go well with *quod*: Sorof not very happily suggests 'debilitati *tanto numero* cognoscendo,' supposing that *numero* got corrupted into *a iure*, and *tanto* dropped after *-tati*. Bake had already suggested *numero*, Stangl *munere*. Dr. Reid proposes 'impediti a iure cognoscendo' = 'prevented from discovering the general legal principle,' supposing that *in-* was lost, and then *-pediti* corrupted. Harn.'s suggestion 'debilitati etiam in re cognoscenda' is very attractive: it is extremely simple, and well keeps up the antithesis to *homines*.

8. **discripta generatim,** 'distributed under their proper heads.' Apparently all MSS. have *descripta*, which Kayser retains, but this cannot be right: cp. § 36 note.

9. **ne forte nescias**: Roby, § 1662.

heri: i. 42. 190.

10. **pollicitus** [**se**]: *se* is omitted by all the better MSS. followed by Ellendt, Kayser, and Piderit; Sorof retains it. The omission of the pronoun with the fut. inf. is common enough in Livy (see Drakenborch's large collection of instances in his notes to i. 23. 5, and xlii. 10. 15) and Tacitus; but it is very rare in Cicero. Cp. Madvig on de Fin. v. 31. Draeger, Hist. Synt. ii. 414, quotes in Verr. ii. 38. 93 'de Sthenii bonis exacturum' (sc. se), and pro Cluent. 63. 176 'quaesiturum esse dixit.' (See Fausset's critical note.) Cp. however Reid on Acad. i. 18.

11. **facilem** is undoubtedly right: cp. *difficilem* of i. 42. 190. The old reading was *facile*. The *codd. mutili* omit 'et . . redacturum,' doubtless from the similarity

quidem' inquit Catulus 'haudquaquam id est difficile Crasso, qui et, quod disci potuit de iure, didicit et, quod eis, qui eum docuerunt, defuit, ipse adferet, ut, quae sint in iure, vel apte discribere vel ornate inlustrare possit.' 'Ergo' inquit 'ista' Antonius 'tum a Crasso discemus, cum se de turba et a subselliis in otium, ut cogitat, soliumque contulerit.' 'Iam id 144 quidem saepe' inquit Catulus 'ex eo audivi, cum diceret sibi iam certum esse a iudiciis causisque discedere; sed, ut ipsi soleo dicere, non licebit; neque enim auxilium suum saepe a viris bonis frustra implorari patietur neque id aequo animo feret civitas, quae si voce L. Crassi carebit, ornamento quodam se spoliatam putabit.' 'Nam hercle,' inquit Antonius 'si haec vere a Catulo dicta sunt, tibi mecum in eodem est pistrino, Crasse, vivendum; et istam oscitantem et dormitantem sapientiam Scaevolarum et ceterorum beatorum otio concedamus.' Adrisit 145 hic Crassus leniter et 'pertexe modo,' inquit 'Antoni, quod exorsus es; me tamen ista oscitans sapientia, simul atque ad eam confugero, in libertatem vindicabit.'

3. *apte M* volg.: *acute* ς cum Pearcio Ell. PKASH: *aperte* (id est *apte*) voluit Fr. 4. *discribere* PSH: *describere* ω K. *inquit ista H* Fr. (cf. i. 113). 8. *iam* addidit Fr. *incertum* H^1. 14. *et dormitantem* om. *M*: del. Ell. incl. KSH.

of ending. This is one of the numerous instances which make us distrust their authority in the matter of omission. Cp. Introd. p. 66, note.

Et quidem, 'to be sure,' usually, but not always, ironical: cp. Kühner on Tusc. D. iii. 20. 48; Madvig on de Fin. i. 10. 35; Mayor on de Nat. D. i. 28. 79; Roby, § 1623.

3. **apte**: Stangl well defends by quoting iii. 24. 91 'altera pars dici postulat ornate altera apte:' Plin. Ep. iii. 13. 2 'disponere apte, figurare varie:' de Fin. iii. 22. 74 'nihil in natura, qua nihil est aptius, nihil descriptius.'

6. **in otium soliumque,** 'to the leisure of his arm-chair:' for the *solium* cp. de Leg. i. 3. 10 'ego vero aetatis potius vacationi confidebam, cum praesertim non recusarem quominus more patrio sedens in solio consulentibus responderem, senectutisque non inertis grato atque honesto fungerer munere,' and below, § 226; iii. 33. 133.

7. **ex eo audivi, cum diceret,** 'I have heard him saying.' Roby, § 1720.

8. **iudiciis causisque,** § 99 (note).

9. **auxilium suum implorari.** We can say 'to ask a man for help,' or 'to ask for a man's help:' the Romans always use the latter form: and similarly in the passive, as here.

12. **Nam hercle,** 'yes indeed.' Cp. Ter. Ad. 190; Plaut. Trin. 731; Mil. 1226. Cic. in Verr. ii. 2. 72 'illi adesse non possunt.' 'Nam hercle' = 'yes they can.' *Hercle*, the only form used by the comedians, is very rare in Cic., but is well supported here: *hercule* is far more common: cp. Neue ii^2. 815.

13. **pistrino**: i. 11. 46 (note).

14. **et dormitantem,** is not otiose after *oscitantem*, but completes the picture 'yawning and slumbering.' We have often seen how *M* omit words by *homoeoteleuton*. The Scaevolae were proverbially eminent lawyers: cp. i. 10. 39.

15. **beatorum,** 'happy people:' not, either here or in pro Mur. 12. 26, quite equivalent to *otiosus*, as Sorof says.

16. **pertexe,** 'finish' the task which you have begun; *ordior* and *exordior* being properly to commence weaving, to lay the warp.

18. **in libertatem vindicabit,** the regular legal phrase: cp. Gaius, iv. 16; Liv. iii. 45, 46 (several times).

34 'Huius quidem loci, quem modo sum exorsus, hic est finis,' inquit Antonius; 'quoniam intellegeretur non in hominum innumerabilibus personis neque in infinita temporum varietate, sed in generum causis atque naturis omnia sita esse, quae in dubium vocarentur, genera autem esse definita non solum numero, sed etiam paucitate, ut eam materiem orationis, quae cuiusque esset generis, studiosi qui essent dicendi, omnibus locis discriptam, instructam ornatamque comprehenderent, rebus dico et sententiis.
146 Ea vi sua verba parient, quae semper satis ornata mihi quidem videri solent, si eius modi sunt, ut ea res ipsa peperisse videatur; ac si verum quaeritis, quod mihi quidem videatur—nihil enim aliud adfirmare possum nisi sententiam et opinionem meam—hoc instrumentum causarum et generum universorum in forum deferre debemus neque, ut quaeque res delata ad nos erit, tum denique scrutari locos, ex quibus argumenta eruamus; quae quidem omnibus, qui ea mediocriter modo considerarint, studio adhibito et usu pertractata esse possunt; sed tamen animus referendus

2. *intellegeretur* *M*KSH : *intelligitur* P. 9. *parient* ω CS : *pariet* KPH cum Bakio.

1. **sum exorsus**, past indef., not present perfect.

finis, 'object:' i. 42. 188 (note); 'hic est finis' = 'id egi ut,' hence followed by 'comprehenderent.' There is a large collection of similar exx. in Lieven Consec. Temp. des Cic. (Riga, 1872). Cp. de Leg. i. 22. 58 'cuius praecepti tanta vis et tanta sententia est ut ea . . . Delphico deo tribueretur.' Cp. Reid on Acad. ii. 140.

4. **in generum causis atque naturis**, 'in cases of a general kind, and the character of such.'

5. **definita non solum numero, sed etiam paucitate**, 'are not only limited in number, but that number is a small one.'

7. **omnibus locis discriptam**, 'distributed under all the various heads:' the matter of a speech is compared to a well-ordered, and well-equipped body of troops.

8. **ornatamque**: it is by no means uncommon to find *-que* appended to the third member of a clause: e.g. de Off. i. 26. 92 'magnifice, graviter, animoseque:' Draeger, ii. 36: *et* is much less usual, but not so rare as Madvig (on de Fin. iv. 20. 56) maintains: cp. Draeger, ii. 3; Kühner, ii. 654 (note).

rebus . . . sententiis: cp. §§ 116–120. Dr. Reid well notes that these words would come much better after 'discriptam.'

9. **Ea**: so all good MSS. for the vulgate, *eae*: for *ea* = *res et sententiae* cp. note on i. 6. 20. Bake quite needlessly, corrects *pariet*, against all MSS., referring *ea* to 'materies.' For the sentiment cp. iii. 31. 125 'rerum enim copia verborum copiam gignit,' and Cato's golden rule for the speaker, 'rem tene, verba sequentur.' So Hor. A. P. 311 'verbaque provisam rem non invita sequentur.'

13. **causarum et generum.** Adler proposes to strike out *et*, on the ground that we have above 'in generum causis,' so that *genera* and *causae* are not co-ordinate conceptions: but we may suppose *et generum* added as a kind of explanation, to give greater precision to *causarum*.

16. **considerarint.** If this word stood by itself, the derivation given by Festus s. v. from *sidus* could hardly be doubted: but *desidero* presents difficulties as yet not fully solved. It may however well be 'to turn away the eyes from,' hence 'to fail to see,' 'to miss,' etc. Cp. Corssen, Nachtr. p. 43. Donaldson (Varron.[3] p. 445) says '*desidero* indicates the interruption to the augurial process which was occasioned by a cloudy and starless night.'

17. **sed tamen**, i. e. although practice is the chief thing.

est ad ea capita et ad illos, quos saepe iam appellavi, locos, ex
quibus omnia ad omnem orationem inventa ducuntur, atque hoc 147
totum est sive artis sive animadversionis sive consuetudinis nosse regiones, intra quas venere et pervestiges, quod quaeras: ubi eum locum omnem cogitatione saepseris, si modo usum rerum percallueris, nihil te effugiet atque omne, quod erit in re, occurret
atque incidet. Et sic, cum ad inveniendum in dicendo tria sint: **35**
acumen, deinde ratio, quam licet, si volumus, appellemus artem, tertium diligentia, non possum equidem non ingenio primas concedere, sed tamen ipsum ingenium diligentia etiam ex
tarditate incitat; diligentia, inquam, quae cum omnibus in rebus 148
tum in causis defendendis plurimum valet. Haec praecipue colenda est nobis; haec semper adhibenda; haec nihil est quod non adsequatur: causa ut penitus, quod initio dixi, nota sit, diligentia est; ut adversarium attente audiamus atque ut eius non solum sententias, sed etiam verba omnia excipiamus, voltus denique perspiciamus omnis, qui sensus animi plerumque in-

7. *sic* ω: *scilicet* Reid. *sint* ω: *adsint* Reid. 10. *ex tarditate* incl. S. 16. *excipiamus* ς: *percipiamus* M.

2. **inventa**, i. e. argumenta: Or. part. ii. 6 'quid est argumentum? Probabile inventum ad faciendam fidem.' Cp. § 127.

5. **saepseris**, like the hunter, surrounding a thicket with his nets.

usum rerum: 'usu' the reading of a few inferior MSS. is adopted by all recent editors since Schuetz: they quote for the neuter force of the verb pro Mil. 28. 76 'nescio quo modo iam usu obduruerat et percallueratcivitatis incredibilis patientia.' But the active force is found several times in Gellius, and is assumed here by those editors, who suppose the object to be understood: e. g. Pid. explains 'the orator must know the marked-off region by means of frequent practice (§ 204) as thoroughly as the hunter knows every step in the hunting-ground.' Kühner appears to give the verb a neuter force; 'if only experience in affairs has properly sharpened your wits.' I do not see any insuperable objection to the reading of the better MSS. *usum rerum*, 'if you are thoroughly familiar with practice in dealing with subjects.' Henrichsen denies that it is possible 'percallere usum,' but I fail to see his reason. The lexicons vary as to the pres. ind. assigned to this form. Forcellini has only *percalleo*. White refers *percalluerat* in one passage of Gellius to *percalleo*, in two others to *percallesco*, though there is not the slightest difference of meaning: L. and S. give the same passage under both verbs! As a fact no other part of the verb seems to occur except the plupf. ind.; but *percallesco* is by much the more probable present. The form *occallesco* does occur in Plautus.

6. **atque**: we should rather say 'but:' cp. § 74 'ac potius.'

7. **incidet**, 'fall into your hands,' like game which is prevented from escaping by nets.

tria: i.e. φύσις, ἐπιστήμη, μελέτη (Plat. Phaedr. p. 269 D): §§ 162, 232, and often.

9. **primas**, sc. partes: 'cp. Or. 5. 18 (primas tribuere); 9. 29 (deferre); 41. 141 (tenere); Brut. 21. 84 (deferre); 49. 183 (ferre),' Pid.

10. **ex tarditate**, 'where it is dull to start with:' *ex* denoting change, as in de Rep. i. 45. 69 'ut existat ex rege dominus, ex optimatibus factio, ex populo turba et confusio.' Sorof, objecting to the construction 'incitat ex,' brackets 'ex tarditate,' but it is possible to spur out of sluggishness, as well as to spur on one in quick motion (cp. § 186).

15. **diligentia est**. This nominative is very strange. It would be far more natural to read, as Dr. Reid proposes, 'diligentiae est.'

149 dicant, diligentia est; id tamen dissimulanter facere, ne sibi ille aliquid proficere videatur, prudentia est; deinde ut in eis locis, quos proponam paulo post, pervolvatur animus, ut penitus insinuet in causam, ut sit cura et cogitatione intentus, diligentia est; ut his rebus adhibeat tamquam lumen aliquod memoriam, ut
150 vocem, ut viris, *diligentia est.* Inter ingenium quidem et diligentiam perpaulum loci reliquum est arti: ars demonstrat tantum, ubi quaeras, atque ubi sit illud, quod studeas invenire; reliqua sunt in cura, attentione animi, cogitatione, vigilantia, adsiduitate, labore; complectar uno verbo, quo saepe iam usi sumus, diligentia; qua una virtute omnes virtutes reliquae con-
151 tinentur. Nam orationis quidem copia videmus ut abundent philosophi, qui, ut opinor—sed tu haec, Catule, melius—nulla dant praecepta dicendi nec idcirco minus, quaecumque res proposita est, suscipiunt, de qua copiose et abundanter loquantur.'
36
152 Tum Catulus 'est,' inquit 'ut dicis, Antoni, ut plerique philosophi nulla tradant praecepta dicendi et habeant paratum tamen quid de quaque re dicant; sed Aristoteles, is, quem ego maxime

1. *id tamen . . . prudentia est* incl. Ell. K. 5. *ut his rebus . . . viris* incl. K. 6. *diligentia est* om. K cum codd. mut. 7. *perpaulum M* KSH. *perpaululum* P (cf. § 234). 11. [*virtute omnes*] incl. K. *qua una virtutes M.*

1. **id tamen . . . prudentia est.** Sorof and Pid. seem to me right in declining to follow most editors from Schuetz to Kayser, in regarding this as an interpolation. I do not find it as absurd as Ellendt does, to have a caution thrown in, while the speaker is praising *diligentia*.

2. **proficere videatur,** 'lest your opponent should feel that he has made a hit,' which will encourage him to develope the same line of argument. Hence it does matter (against Ell.) 'quid proficere videatur' and not only 'quid proficiat.'

3. **paulo post,** § 162 ff.

pervolvatur in, 'busy itself with,' a very rare word in Cic.

insinuet: i. 20. 90 (note).

6. **diligentia est,** added by Ernesti, whom most recent editors follow: the inferior MSS. have filled up the lacuna, which exists in all those of the better class, by the feeble insertion 'haec magna sunt.' To 'adhibeat' we must understand as the subject 'a man,' by a kind of zeugma from 'animus.' Seyff. Lael. p. 76, gives similar exx. For the effect of painstaking practice in developing memory, voice, and physical strength cp. i. 34. 156 ff. Stangl's suggestion of 'ingenium est' is not sufficiently supported by i. 113: voice and strength are matters of *natura*, but not of *ingenium*.

8. **tantum,** 'only this.'

9. **attentione animi**: not elsewhere used by Cicero in this sense. Perhaps we should read 'intentione'; but notice that 'attendere' is common.

11. **continentur,** 'are based,' not 'contained.' Cp. note on i. 2. 5.

13. **melius**: sc. scis.

§§ **152–161.** *Catulus remarks that the views of Antonius do not differ much from those of Aristotle; which leads to a brief discussion of the manner in which philosophy was regarded at Rome* (§§ 154–156); *and Antonius shows that the doctrines of the Stoics could be of no service to the orator* (§§ 157–159), *while he praises the keen insight of Aristotle* (§ 160) *and the dialectic power of Carneades* (§ 161).

16. **est . . . ut tradant,** 'it is the case that,' as in Hor. Carm. iii. 1. 9 'est ut viro vir latius ordinet arbusta sulcis.' Many more exx. in Kühner, ii. 813.

11. contineri re - to be based upon a thing)(contineri in re to be comprised in a thing - so as not to go beyond it.

admiror, posuit quosdam locos, ex quibus omnis argumenti via non modo ad philosophorum disputationem, sed etiam ad hanc orationem, qua in causis utimur, inveniretur; a quo quidem homine iam dudum, Antoni, non aberrat oratio tua, sive tu similitudine illius divini ingenii in eadem incurris vestigia sive etiam illa ipsa legisti atque didicisti, quod quidem mihi magis veri simile videtur; plus enim te operae Graecis dedisse rebus video, quam putaramus.' Tum ille 'verum' inquit 'ex me audies, **153** Catule: semper ego existimavi iucundiorem et probabiliorem huic populo oratorem fore, qui primum quam minimam artificii alicuius, deinde nullam Graecarum rerum significationem daret: atque ego idem existimavi pecudis esse, non hominis, cum tantas res Graeci susciperent, profiterentur, agerent seseque et videndi res obscurissimas et bene vivendi et copiose dicendi rationem daturos hominibus pollicerentur, non admovere aurem et, si palam audire eos non auderes, ne minueres apud tuos civis auctoritatem tuam, subauscultando tamen excipere voces eorum et procul quid narrarent attendere. Itaque feci, Catule, et istorum omnium summatim causas et genera ipsa gustavi.' 'Valde **37** hercule' inquit Catulus 'timide tamquam ad aliquem libidinis **154**

1. *omnis argumenti AEH*: *omnis argumenti via M*²PS. *omne argumentum* K. 3. *orationem* om. P. 12. *atque* S cum codd.: *atqui* K.

1. **posuit quosdam locos,** in the eight books of Τοπικά, still extant. Cicero reproduced the substance of these, at the request of his friend Trebatius, when travelling to Greece to join Pompeius, in his 'Topica.'

argumenti via, 'systematic treatment of an argument:' cp. i. 4. 14 (note).

3. **a quo quidem homine,** a compressed expression for 'a cuius hominis praeceptis:' cp. i. 4. 15 (note).

4. **aberrat:** for tense cp. Roby, § 1460.

7. **Graecis rebus,** equivalent to 'Greek literature.'

10. **huic populo:** cp. 'hoc populo,' § 4. Mayor on de Nat. D. i. 79.

11. **alicuius,** 'any:' cp. Kühner, ii. 468–9. For the thought see ad Her. i. 17.

12. **atque ego idem,** 'and at the same time I:' cp. pro Arch. 7. 15 'atque idem ego contendo' (Reid).

13. **videndi,** i.e. physics: **bene vivendi,** ethics: **dicendi,** rhetoric or dialectic: the regular division of knowledge in the Greek schools; cp. i. 15. 68 (note). For 'res obscurissimae' of physical phenomena cp. Reid on Acad. i. 19.

15. **si . . non auderes:** the subjunctive is not only due to the fact that the clause is in reported thought. In direct speech it would run, 'si non audeas . . . excipiendae sunt voces.' Cp. Roby, §§ 1564, 1566, also § 1546. The 'non' is carried on to 'excipere,' which, like *exaudire,* has sometimes, as here, the force of to 'catch up' at a distance: cp. Liv. xl. 7. 4 'ad has excipiendas voces speculator missus.'

19. **causas,** 'subjects' of discussion: **genera ipsa,** 'main points.' **Valde timide** go together.

20. **tamquam ad aliquem libidinis scopulum,** 'as though to some rock to which pleasure would draw you,' with an evident reference to the dangerous coast on to which voyagers were attracted by the song of the Sirens. The metaphor is very common in Cicero, and is commended by him in iii. 41. 163 as preferable to 'Syrtis.' I cannot think that there is any reference, as Pid. supposes, to the

scopulum sic tuam mentem ad philosophiam appulisti, quam haec civitas aspernata numquam est; nam et referta quondam Italia Pythagoreorum fuit tum, cum erat in hac gente magna illa Graecia; ex quo etiam quidam Numam Pompilium, regem nostrum, fuisse Pythagoreum ferunt, qui annis ante permultis fuit quam ipse Pythagoras; quo etiam maior vir habendus est, quoniam illam sapientiam constituendae civitatis duobus prope saeculis ante cognovit, quam eam Graeci natam esse senserunt;

3. *in hac gente* eicit Reid. 7. *quoniam* Str. *cum* (vel *quom*) ω. *quod* voluit S. *cum . . . cognorit* PAH cum Henrichs.

trial of Antonius before L. Cassius the *scopulus reorum*, described by Valerius Maximus, iii. 7. 9.

1. **appulisti**, in Cicero only used of bringing a ship to land, keeps up the metaphor of *scopulum*: cp. in Rab. Perd. 9. 25 'nec tuas unquam rationes ad eos scopulos appulisses.'

2. **et**, corresponding to '*et* certe' below.

3. **magna illa Graecia**, put for the inhabitants of the important Greek towns in Southern Italy: cp. Lael. 4. 13 'eorum (Pythagoreorum), qui in hac terra fuerunt magnamque Graeciam, quae nunc quidem deleta est, tum florebat, institutis et praeceptis suis erudierunt.' The Pythagorean brotherhood was broken up and its members dispersed about 509 B.C. (Grote's Plato, i. 9), or as Zeller more plausibly argues (Die Philosophie der Griechen, i^2. 236–239), about the middle of the fifth century B.C. The decline of 'Magna Graecia' begins with the capture and destruction of Sybaris by the Crotoniates in 509: from that time forward the Greek cities were unable, in consequence of their disunion and internal feuds, to resist the assaults of the Oscan and Sabellian tribes (Grote, Hist. iii. 352 ff. ed. 1868: Mommsen, i. 143).

4. **ex quo**, 'from which fact,' 'hence:' cp. Tusc. D. v. 6. 17 'ex quo nec timor nec angor attingat.'

quidam, etc. Cp. Tusc. D. iv. 1. 2 'quis enim est qui putet, cum floreret in Italia Graecia potentissimis et maximis urbibus, ea quae magna dicta est, in eisque primum ipsius Pythagorae, deinde postea Pythagoreorum tantum nomen esset, nostrorum hominum ad eorum doctissimas voces auris clausas fuisse? Quin etiam arbitror propter Pythagoreorum admirationem Numam quoque regem Pythagoreum a posterioribus existimatum. Nam cum Pythagorae disciplinam et instituta cognoscerent regisque eius aequitatem et sapientiam a maioribus suis accepissent, aetates autem et tempora ignorarent propter vetustatem; eum qui sapientia excelleret, Pythagorae auditorem crediderunt fuisse.' Davies in his note quotes many other authorities for this view: e.g. Ov. Met. xv ad init.; Fast. iii. 153; Plin. N. H. xiii. 13, 86, etc. Cp. Liv. i. 18 'auctorem doctrinae eius (Numae), quia non extat alius, falso Samium Pythagoram edunt, quem Servio Tullio regnante Romae centum amplius post annos in ultima Italiae ora circa Metapontum Heracleamque et Crotonem iuvenum aemulantium studia coetus habuisse constat.' Cicero notices the anachronism also in de Rep. ii. 15. 28, where Manilius asks Scipio if it is true that Numa was a Pythagorean, and Scipio replies, 'falsum est enim, Manili, id totum, neque solum fictum, sed etiam imperite absurdeque fictum . . . nam quartum iam annum regnante L. Tarquinio Superbo Sybarim et Crotonem et in eas Italiae partis Pythagoras venisse reperitur . . . ex quo intellegi regiis annis dinumeratis potest anno fere centesimo et quadragesimo post mortem Numae primum Italiam Pythagoram attigisse.' Cp. Niebuhr, Hist. i. 238 f.

7. **quoniam . . . cognovit**: the reading of the MSS. 'quom (so *AEH*) . . . . cognovit' is retained by Kayser, and defended by W. G. Hale 'Cum-construction,' p. 243, by Cic. ad Att. iii. 23. 4 (where Wesenberg alters *cum* into *quod*), and by de Sen. 17. 68, where Dr. Reid reads *quoniam* for *cum* (as Ströbel does here). Pid. accepts the correction *cognorit*, approved by Henrichsen, Bake, and Adler: this is quite as easy as Sorof's alternative (cp. note on § 92), which I previously adopted, of reading *quod* for *cum*. But the three passages certainly support each other.

et certe non tulit ullos haec civitas aut gloria clariores aut auctoritate graviores aut humanitate politiores P. Africano, C. Laelio, L. Furio, qui secum eruditissimos homines ex Graecia palam semper habuerunt; atque ego hoc ex eis saepe audivi, cum 155
dicerent pergratum Atheniensis et sibi fecisse et multis principibus civitatis, quod, cum ad senatum legatos de suis maximis rebus mitterent, tris illius aetatis nobilissimos philosophos misissent, Carneadem et Critolaum et Diogenem; itaque eos, dum Romae essent, et a se et ab aliis frequenter auditos; quos tu cum haberes auctores, Antoni, miror cur philosophiae sicut Zethus ille Pacuvianus prope bellum indixeris.' 'Minime,' inquit 156

9. *tum M.* 10. *auctores* om. *M*: deletum volt Fr.

1. **ullos**: 'quemquam' would have been used in the singular, but the plural of 'quisquam' is not used; cp. Neue, ii². 245.

2. **P. Africano**: i. e. the younger: see note on i. 48. 211.

3. **L. Furio Philo**: cp. de Rep. iii. 3. 5 'quid P. Scipione, quid C. Laelio, quid L. Philo perfectius cogitari potest? Qui, ne quid praetermitterent, quod ad summam laudem clarorum virorum pertineret, ad domesticum maiorumque morem etiam hanc a Socrate adventiciam doctrinam adhibuerunt.' For the Hellenising 'Scipionic circle' cp. Mommsen, iii. pp. 424, 432, 446. Laelius was probably somewhat older than Scipio, though consul only in B.C. 140, Philus was a little younger (consul B.C. 136). Cp. pro Arch. 7. 16; pro Mur. 31. 66.

6. **legatos.** For this famous embassy cp. Mommsen, iii. 429, and an excellent essay by M. C. Martha in the 'Revue des Deux Mondes' for Sept. 1, 1878. There is a good account of the occasion of the embassy in Ihne's History of Rome, Book v. ch. 4. The Athenians had pillaged Oropus, a town the possession of which was always being disputed between them and the Boeotians, and had been condemned by the Sicyonians, whom the Romans had appointed umpires in the case, to pay a fine of 500 talents. The embassy pleaded that this sum was beyond the power of the city to pay, and far in excess of the damage done. It was reduced by the Senate to 100 talents.

9. **frequenter**, 'frequently,' a meaning which is not rare in this connexion in Cicero, though the lexicons quote no instance. Cp. de Nat. Deor. i. 21. 59 'Zenonem cum Athenis essem, audiebam frequenter:' de Fin. i. 5. 16 'eos cum Attico nostro frequenter audivi:' ii. 4. 12 'hoc frequenter dici solet a vobis:' v. 3. 8 'qui fratrem eius Aristum frequenter audieris:' Tusc. D. ii. 3. 9 'Philo quem nos frequenter audivimus': Or. 66. 221 'non modo non frequenter verum etiam raro': and we have 'frequentissime' in Or. 24. 81. The meaning 'in large numbers' is also found. Cp. de Rep. i. 9. 14 'cum . . . familiarissimi eius ad eum frequenter per eos dies ventitaturos se esse dixissent:' Boot on ad Att. i. 19. 5 'huic frequenter interceditur.' Liv. i. 11. 4 'Romam inde frequenter migratum est.'

11. **Zethus**, the rough uneducated brother of the accomplished Amphion; both appeared in the Antiope of Pacuvius, a tragedy written in imitation of the (lost) Antiope of Euripides. Cp. Sellar, Roman Poets of the Republic, pp. 141–150, esp. p. 143; and Ribbeck, Röm. Tragödie, pp. 281–301. The fragments of the Antiope are collected by Ribbeck, 'Trag. Rom. Fragm.' 75–79. They do not contain any sentiment such as that here referred to; but cp. Plato, Gorg. 485 e, 486 b, c, with the schol., ὁ τῶν στίχων δὲ νοῦς οὗτος· ὁ Ζῆθός φησι τῷ Ἀμφίονι μουσικῷ ὄντι 'ῥῖψον τὴν λύραν, κέχρησο δὲ ὅπλοις.' (Eur. Frag. 185, Dind.) Cp. too Frag. 188, as restored by Nauck:

ἀλλ' ἐμοὶ πιθοῦ.
παῦσαι μελῳδῶν, πολεμίων δ' εὐμουσίαν
ἄσκει· τοιαῦτ' ἄειδε καὶ δόξεις φρονεῖν,
σκάπτων, ἀρῶν γῆν, ποιμνίοις ἐπιστατῶν,
ἄλλοις τὰ κομψὰ ταῦτ' ἀφεὶς σοφίσματα,
ἐξ ὧν κενοῖσιν ἐγκατοικήσεις δόμοις.

ad Herenn. ii. 27. 43 'uti apud Pacuvium Zethus cum Amphione, quorum controversia de musica inducta est, disputatio in sapientiae rationem et virtutis utilita-

Antonius; 'ac sic decrevi philosophari potius, ut Neoptolemus apud Ennium "paucis: nam omnino haud placet." Sed tamen haec est mea sententia, quam videbar exposuisse: ego ista studia non improbo, moderata modo sint: opinionem istorum studiorum et suspicionem artificii apud eos, qui res iudicent, oratori adversariam esse arbitror, imminuit enim et oratoris auctoritatem
38 et orationis fidem. Sed, ut eo revocetur, unde huc declinavit
157 oratio, ex tribus istis clarissimis philosophis, quos Romam venisse dixisti, videsne Diogenem eum fuisse, qui diceret artem se tradere bene disserendi et vera ac falsa diiudicandi, quam verbo Graeco διαλεκτικήν appellaret? In hac arte, si modo est haec ars, nullum est praeceptum, quo modo verum inveniatur,
158 sed tantum est, quo modo iudicetur; nam et omne, quod elo-

7. *huc* incl. K. 13. *et* om. K: incl. PAH.

tem consumitur:' cp. de Inv. i. 50. 94; Hor. Ep. i. 18. 39.

1. **ac . . . potius**: cp. § 74 (note). Cp. de Rep. i. 18. 30 'atque idem [Sex. Aelius, cp. i. 45. 198 note] . . . Zethum illum Pacuvii nimis inimicum doctrinae esse dicebat: magis eum delectabat Neoptolemus Ennii, qui se ait philosophari velle, sed paucis: nam omnino haud placere.' Similarly in Tusc. D. ii. 1. 1. Ribbeck restored the lines thus, 'Phílosophari est míhi necesse, at paúcis, nam omnino haút placet | Dégustandum ex eá, non in eam ingúrgitandum cénseo;' but he has more recently withdrawn the second line, in consequence of the objections of Mercklin, p. 65 (Fragm. Trag. 2). 'Necesse' is from Tusc. D. l. c.: and the last line from A. Gell. v. 16. 'Decrevi' may perhaps have a reference to 'decretum,' the usual Latin for δόγμα: 'my creed is.'

2. **paucis**, 'only a little:' perhaps this idiom arose from the phrase 'paucis verbis,' but if so, it came to be used without any reference to speaking. Mr. Roby has kindly furnished me with many parallel instances, from which I select 'paucis agere,' Liv. xlii. 34. 1; 'paucis auscultare,' Ter. Andr. 536; 'pluribus nolle,' Liv. xxxiv. 32; 'alternis,' Liv. ii. 6. 9; iv. 52. 11, etc. See Roby, § 1237.

3. **videbar**, at the close of his exposition: § 153.

4. **modo** = 'dummodo,' Roby, § 1668. The view is much like that of Callicles in Plato, Gorg. p. 484 c: φιλοσοφία γάρ τοι ἐστὶ χαρίεν, ἄν τις αὐτοῦ μετρίως ἅψηται ἐν τῇ ἡλικίᾳ· ἐὰν δὲ περαιτέρω τοῦ δέοντος ἐνδιατρίψῃ, διαφθορὰ τῶν ἀνθρώπων. Cp. Tac. Agric. 4 'Memoria teneo solitum ipsum, narrare se prima in iuventa studium philosophiae acrius, ultra quam concessum Romano ac senatori, hausisse, ni prudentia matris incensum ac flagrantem animum coercuisset:' and de Fin. i. 1. 1.

7. **eo**, i.e. to determine the relations of philosophy to rhetorical 'inventio.'

9. **videsne**, § 64 (note).

Diogenem, the Stoic: cp. Top. 2. 6 'Cum omnis ratio diligens disserendi duas habeat artis, unam inveniendi, alteram diiudicandi, utriusque princeps, ut mihi quidem videtur, Aristoteles fuit; Stoici autem in altera elaboraverunt: iudicandi enim vias diligenter persecuti sunt ea scientia, quam διαλεκτικήν appellant: inveniendi artem, quae τοπική dicitur, quaeque et ad usum potior erat, et ordine naturae certe prior, totam reliquerunt.' Cp. Zeller's Stoics, p. 70 ff.

artem bene disserendi: cp. Alex. Aphr. Top. 3 οἱ μὲν ἀπὸ τῆς Στοᾶς ὁριζόμενοι τὴν διαλεκτικὴν ἐπιστήμην τοῦ εὖ λέγειν ὁρίζονται, τὸ δὲ εὖ λέγειν ἐν τῷ ἀληθῆ καὶ προσήκοντα λέγειν εἶναι τιθέμενοι, τοῦτο δὲ ἴδιον ἡγούμενοι τοῦ φιλοσόφου, κατὰ τῆς τελεωτάτης φιλοσοφίας φέρουσιν αὐτό κ.τ.λ.

12. **nullum est praeceptum**: the Stoics did not include rhetoric under dialectic, but made the two to be distinct divisions of τὸ λογικὸν μέρος. Rhetoric however was of little importance with them, being merely 'a collection of artificial rules, without philosophical worth' (Zeller, p. 72). Logic received special attention.

13. **nam et omne**: so *AEH*; γ alone of the good MSS. omitting *et*; 'et omne' answers to 'et ad extremum.' Translate:

quimur sic, ut id aut esse dicamus aut non esse, et, si simpliciter dictum sit, suscipiunt dialectici, ut iudicent, verumne sit an falsum, et, si coniuncte sit elatum et adiuncta sint alia, iudicant, rectene adiuncta sint et verane summa sit unius cuiusque rationis, et ad extremum ipsi se compungunt suis acuminibus et multa quaerendo reperiunt non modo ea, quae iam non possint ipsi dissolvere, sed etiam quibus ante exorsa et potius detexta prope retexantur. Hic nos igitur Stoicus iste nihil adiuvat, quoniam, 159

'For whatever proposition we make, declaring it to be either true or false [i. e. that there is no middle course], if on the one hand it is a simple proposition the logicians undertake to decide whether it be true or false, and if on the other hand it be stated in connexion with other propositions which are appended to it, they decide whether they are correctly appended, and whether the conclusion of each argument is correct; so they prick their own fingers at last with their own sharpness, and by their extensive researches they discover not only arguments [sophisms] which they cannot themselves solve, but also objections by which arguments which they have previously started or rather almost brought to a conclusion are upset.' For the Stoic ἀξιώματα or 'judgments' (*effata*) see Reid's reff. on Acad. ii. 95.

efferre = 'state:' cp. Or. 22. 72 'eadem res saepe aut probatur aut reicitur alio atque alio elata verbo.'

3. **adiunctum** is the word by which some translated the συνημμένον ἀξίωμα of the Stoic logic, i.e. the hypothetical judgment: cp. Gell. xvi. 8. 9 'sed quod Graeci συνημμένον ἀξίωμα dicunt, alii nostrorum adiunctum, alii connexum dixerunt; id connexum tale est, "si Plato ambulet, Plato movetur,"' etc. Cp. Diog. L. vii. 71 συνημμένον μέν ἐστιν, ὡς ὁ Χρύσιππος ἐν ταῖς Διαλεκτικαῖς φησι καὶ Διογένης ἐν τῇ Διαλεκτικῇ τέχνῃ τὸ συνεστὸς διὰ τοῦ 'εἰ' συναπτικοῦ συνδέσμου. ἐπαγγέλλεται δὲ ὁ σύνδεσμος οὗτος ἀκολουθεῖν τὸ δεύτερον τῷ πρώτῳ, οἷον 'εἰ ἡμέρα ἐστὶ φῶς ἔστι.' Cp. Prantl, Gesch. d. Logik, p. 446–7. Cic. however prefers to translate συνημμένον by *conexum* or sometimes *coniunctio*: so it is not likely that the word is here limited to that technical sense. Pid. and Sorof take it to be 'minor premisses' or 'subsumptions,' but the regular term for these is 'adsumptiones' [= πρόσληψις of the Stoic terminology, Zeller, p. 117, note]: cp. de Inv. i. 34. 59 'aut unum in locum cum conduxerit breviter propositionem [the major premiss] et adsumptionem, *adiungit*, quid ex his conficiatur:' and then follows an example. Cp. Tusc. v. 25. 72 sequitur tertia, quae per omnes partes sapientiae manat et funditur, quae rem definit, genera dispertit, *sequentia adiungit*, perfecta concludit, vera et falsa diiudicat, disserendi ratio et scientia.' Ernesti, Clav. Cic. s. v. explains *adiungere* 'quid ex quoque sequatur videre, vel docere,' which is nearly correct, except that it unduly restricts the meaning. The Stoics paid great, and indeed undue attention to fallacies (e.g. Chrysippus among a number of treatises on the subject wrote no less than five on the one fallacy of the ψευδόμενος), but were so far from dealing with them satisfactorily, that they could often find no way out of their difficulties except by declining to continue the argument. Cp. Acad. ii. 29. 93, where the phrase for this is 'quiescere' = ἡσυχάζειν. See Zeller, p. 122, note.

5. **acuminibus**: cp. Acad. ii. 75 'contorta et aculeata σοφίσματα,' with Reid's note.

7. **dissolvere**: Acad. ii. 46.

exorsa, § 145 (note).

detexta prope: cp. Plaut. Amph. 290 'illic hoc homo denuo uolt pallium detexere,' where the interpretation of Lewis and Short is absurd: as the web in weaving was struck repeatedly by the shuttle and the comb, to 'finish weaving' a man's cloak was equivalent to giving him 'a good dressing.' Titinius, quoted by Nonius, p. 406. 19: (Ribbeck, Frag. Com. p. 136), has 'quae inter decem annos nequisti unam togam [Ribb. tógulam unam] detexere.' Cp. Lorenz on Plaut. Pseud. 384 (399 R.) 'neque éxordiri prímum unde occipiás, habes, | neque détexundam ad télam certos términos.' Ribbeck Frag. Incert. 97 'Nunc ego te ab summo iam detexam exordio.'

8. **retexantur**: cp. Acad. ii. 29. 95

quem ad modum inveniam quid dicam, non docet; atque idem etiam impedit, quod et multa reperit, quae negat ullo modo posse dissolvi, et genus sermonis adfert non liquidum, non fusum ac profluens, sed exile, aridum, concisum ac minutum, quod si qui probabit, ita probabit, ut oratori tamen aptum non esse fateatur; haec enim nostra oratio multitudinis est auribus adcommodanda, ad oblectandos animos, ad impellendos, ad ea probanda, quae non aurificis statera, sed populari quadam trutina
160 examinantur; qua re istam artem totam dimittimus, quae in excogitandis argumentis muta nimium est, in iudicandis nimium loquax. Critolaum istum, quem cum Diogene venisse commemoras, puto plus huic nostro studio prodesse potuisse; erat enim ab isto Aristotele, a cuius inventis tibi ego videor non

9. *dimittimus AEH γ* Lagg. 13, 36 S: *dimittemus* KP. cum *B* Lagg. 2, 4, 32. *dimittamus ς* vulg. (quod tuetur Reid).

'quid quod eadem illa ars, quasi Penelope telam retexens, tollit ad extremum superiora.' The whole context, in which Cicero is discussing the Stoic dialectic is well worth reading (with Reid's notes) as illustrative of the argument of Antonius here.

2. **multa reperit**: e.g. such fallacies as the 'mentiens,' the 'calvus' and the 'acervalis.' Cp. Cic. de Div. ii. 4. 11; Whately's Logic, Bk. III, and De Morgan's Formal Logic, ch. xiii, which is as amusing as it is sound.

3. **adfert**, 'employs;' cp. de Off. i. 3. 9.

liquidum, fusum, profluens, 'transparent, smooth, and flowing:' cp. § 64 and Or. 20. 66 'in his tracta quaedam et fluens (oratio) expetitur.'

4. **exile**, 'meagre.' **concisum**, 'broken:' 'genus dicendi *concisum* . . . numquam in laude, saepe in vitio ponitur.' Ell. cp. § 61, 327.

minutum, 'disjointed,' 'staccato' = κατακεκομμένη λέξις. Reid on Acad. ii. 75. The last two epithets are almost equivalent: hence the use of *ac*.

5. **ita . . . ut**, 'with this limitation . . . that:' cp. § 327 'concisum est ita, ut non brevitati servitum sit, sed magis venustati.'

8. **statera**, 'balance,' can hardly be anything but a heteroclite adaptation of a Greek στατήρ, belonging to the same first stage of the introduction of Greek words into Latin, to which *trutina* = τρυτάνη, and many similar terms of commerce belong: cp. Corssen, ii.[2] 256, and 814: στατήρ is no longer extant in the meaning of 'balance,' but it would be the normal derivative from ἱστάναι, in its common signification of 'to weigh.' The word is usually said to mean a 'steelyard,' and this is evidently the instrument described under the name of *statera* by Vitruv. x. 8. No other passage but that in Vitruvius requires the meaning 'steelyard,' while some, in which two scales are spoken of (e.g. Petron. Sat. 35; Suet. Vesp. 25), positively require the meaning 'balance.' Cp. Conington on Pers. v. 100 'certo compescere puncto nescius examen:' and Pers. i. 6 'examenque improbum in illa castiges trutina.' Here it is evidently the more delicate instrument. Cp. Varro Sat. Men. p. 198, l. 8 (Riese) (περὶ φιλοσοφίας) 'itaque videas barbato nostro illum commentari et unum quodque verbum statera auraria pendere.' The quotations from Persius also give the use of 'examen,' from which 'examinare,' in its primary force here retained, is derived.

13. **ab isto Aristotele**, 'a follower of Aristotle,' [cp. de Fin. iv. 3. 7 'ab eo (Zenone) qui sunt,' i.e. the Stoics.] not in this instance a pupil, a rendering which chronology forbids: Aristotle died B.C. 322. Critolaus must have been born about B.C. 220–200. He was the sixth head of the Peripatetic school, the succession being Aristotle, Theophrastus, Straton, Lycon, Ariston, Critolaus. Critolaus had given much attention to rhetoric, which he maintained was not a science or an art, but 'usum dicendi (nam hoc τριβή significat'): Quintil. ii. 15. 23: cp. de Fin. v. 5.

inventis, 'doctrines.'

longe aberrare. Atque inter hunc Aristotelem, cuius et illum legi librum, in quo exposuit dicendi artis omnium superiorum, et illos, in quibus ipse sua quaedam de eadem arte dixit, et hos germanos huius artis magistros hoc mihi visum est interesse, quod ille eadem acie mentis, qua rerum omnium vim naturamque viderat, haec quoque aspexit, quae ad dicendi artem, quam ille despiciebat, pertinebant; illi autem, qui hoc solum colendum ducebant, habitarunt in hac una ratione tractanda non eadem prudentia, qua ille, sed usu in hoc uno genere studioque maiore. Carneadi vero vis incredibilis illa dicendi et varietas perquam 161
esset optanda nobis, qui nullam umquam in illis suis disputationibus rem defendit, quam non probarit, nullam oppugnavit, quam non everterit. Sed hoc maius est quiddam, quam ab his, qui haec tradunt et docent, postulandum sit.

Ego autem, si quem nunc plane rudem institui ad dicen- 39 162

1. *Aristotelem* incl. K. 3. *de eadem arte* incl. K. 6. *ille* incl. K. 13. *his* M^1: *eis* M^2.

1. **cuius . . . librum**, i.e. τεχνῶν συναγωγήν: Introd. p. 41.

3. **illos**, the three books of the Rhetoric, and also the Topica, § 152.

4. **germanos**, 'regular:' cp. ad Att. iv. 5. 3 'scio me asinum germanum fuisse;' Or. 9. 32 'germanos se putant esse Thucydides.' The word is here used with a certain irony.

6. **viderat**: the tense does not necessarily imply that Aristotle's Rhetoric was one of the latest of his works. The first sketch of it was among his earliest (Stahr in Dict. Biog. i. 332), though it was long in revision.

7. **despiciebat**: i.e. in its practical application. Cicero when arguing that no Greek (except perhaps Demetrius Phalereus) had been distinguished at once as a philosopher and as an orator, adds (de Off. i. 1. 4) 'eodemque modo de Aristotele et Isocrate iudicio, quorum uterque suo studio delectatus contempsit alterum.' It is not correct to say that Aristotle despised the art of rhetoric, which he treated with a profundity and completeness rarely if ever equalled: but he attached much less importance to form than to substance: and so was often at variance with the views of the 'stylistic' school, represented especially by Isocrates: Introd. pp. 39–41. For Cicero's acquaintance with the Rhetoric of Aristotle see § 32 (note).

8. **habitarunt in hac una ratione tractanda**, 'dwelt upon the discussion of this one branch of the theory' of rhetoric: *habitare* in this sense is a favourite expression with Cicero: cp. Or. 15. 49 'in bonis haerebit et habitabit suis:' cp. § 292; the same figure is somewhat less metaphorically applied in i. 62. 264, and is otherwise expressed in iii. 20. 77.

10. **Carneadi**: i. 19. 88 (note). For his oratorical power cp. i. 11. 45 (note); iii. 18. 68; Tusc. v. 4. 11; Acad. i. 12. 46 (Reid); ii. 18. 60; de Fin. iii. 12. 41.

perquam, § 201. Roby, § 1649.

11. **esset**, i.e. if we had the choice, which we have not.

12. **probarit**: see note on *inséderit*, § 122.

13. **everterit**, 'upset;' cp. ἀνασκευή.

maius quam . . . postulandum sit: for the omission of *ut* (the regular classical expression) or the relative (used by Livy and the poets) after a comparative adverb, especially after *potius*, cp. Kühner, ii. 857; Madvig on de Fin. iv. 8. 20. Whether it can be omitted after an adjective is very doubtful, hence it is better to take *sit* as hypothetical 'than would be fair to demand.'

§§ 162–177. *A rapid sketch of the doctrine of 'topics,' (which are derived either from the case itself or from without) with illustrations (§§ 162–173). A brief treatment is pronounced sufficient; for attention and natural acuteness will do more*

dum velim, his potius tradam adsiduis uno opere eandem incudem diem noctemque tundentibus, qui omnis tenuissimas particulas atque omnia minima mansa ut nutrices infantibus pueris in os inserant; sin sit is, qui et doctrina mihi liberaliter institutus et aliquo iam imbutus usu et satis acri ingenio esse videatur, illuc eum rapiam, ubi non seclusa aliqua acula teneatur, sed unde universum flumen erumpat; qui illi sedis et quasi domicilia omnium argumentorum com-163 monstret et ea breviter inlustret verbisque definiat. Quid enim est, in quo haereat, qui viderit omne, quod sumatur in oratione aut ad probandum aut ad refellendum, aut ex *re* sua sumi vi atque natura aut adsumi foris? [Ex] sua vi, cum aut res quae sit

4. *mihi* om. *M* K. 11. *probandum* [*refellendum*] K: *in oratione aut refellendum A*. (de quo parum recte testificatur K). [*ad*] . . [*ad*] Fr.H.

than theory (§§ 174–176). *There should be variety in the treatment to avoid wearying the audience* (§ 177).

1. **potius tradam**: 'I should prefer to hand him over.' Distinguish carefully between *potius* and *potissimum*.

his adsiduis, 'to these indefatigable teachers.'

uno opere, 'incessantly,' lit. 'as their one task:' cp. Hor. Carm. i. 7. 5 'sunt quibus unum opus est intactae Palladis urbem carmine perpetuo celebrare.'

2. **incudem**; so Tac. Dial. de Or. 20 'iuvenes, et in ipsa studiorum incude positi.'

omnis tenuissimas particulas, 'nothing but the very smallest pieces.' For *omnis* = 'nothing but;' cp. my note on Hor. Epist. i. 5. 2.

3. **mansa**: cp. Quint. x. 1. 19 'repetamus autem et retractemus et ut cibos mansos ac prope liquefactos demittimus, quo facilius digerantur, ita lectio non cruda sed multa iteratione mollita et velut confecta memoriae incitationique tradatur.' The word means originally 'moisten,' rt. *mad*: cp. Corssen, Beitr. 246; Roscher in Curtius' Studien, iii. 133.

nutrices (for *nutri-tric-es*), always with a direct reference to feeding, and almost always = 'wet nurse,' like the French *nourrice* [hence *nutrices* = 'breasts' in Catull. lxiv. 18] not for 'bonne d'enfants,' which is *assa* (Iuv. xiv. 208 with Mayor's note), nor for a 'sick-nurse,' for which a periphrasis must be used. It is not necessary to extend the meaning of the word even in Quint. i. 1. 4 'ante omnia ne sit vitiosus sermo nutricibus, quas si fieri posset, sapientes Chrysippus optavit.'

5. **imbutus**: the primary meaning is 'to make to drink in for the first time' (a causative from rt. *bu*: cp. *bua*, 'a drink,' Varro apud Non. p. 81. 3), hence 'stain, tinge.' Cp. Phil. xiv. 3. 6 'imbuti sanguine legionum gladii vel madefacti potius,' where it is quite absurd with Manutius (followed by Long) to suppose that Cicero substitutes a weaker word for a stronger one. Cp. ib. v. 7. 20 'cum semel gladium sanguine imbuisset:' Catull. lxiv. 11 'illa rudem cursu prima imbuit Amphitriten;' Mart. viii. 51. 17 'imbuit egregium digno mihi nectare munus,' etc. Translate 'and with some tincture of experience by this time.' Cp. Cicero, Phil. x. 10. 20 'nos ita a maioribus instituti atque imbuti sumus ut,' etc. Tac. Dial. de Orat. 19 'cum vix quisquam adsistat quin elementis studiorum etsi non instructus, at certe imbutus sit.'

6. **illuc**, i. e. ad Aristotelem, hence followed by *qui*: 'to that source.'

7. **acula**, in i. 7. 28 of a brook: here rather of a pond.

8. **sedis** = τόποι, or 'loci,' § 121; i. 13. 56 (note).

11. **ex sua vi**, 'from the character of the subject-matter,' i. e. the ἔντεχνοι πίστεις, 'intrinsic' arguments, § 116 (note). But we badly need something to which the reflexive *sua* can be naturally referred: and the usual phrase is 'ex re sumi' (cp. Or. 35. 122 'uni (loci) e rebus ipsis, alteri assumpti'). Hence Reid is probably right in correcting 'ex *re* sua sumi vi,' omitting 'ex' below. Cp. § 173.

12. **foris**, § 173. ἄτεχνοι πίστεις, 'extrinsic' arguments, 'artis expertes' (Top. 19), called in § 116 'in re positae.'

tota quaeratur, aut pars eius, aut vocabulum quod habeat, aut
quippiam, rem illam quod attingat; extrinsecus autem, cum ea,
quae sunt foris neque haerent in rei natura, conliguntur. Si 164
res tota quaeritur, definitione universa vis explicanda est, sic:
'si maiestas est amplitudo ac dignitas civitatis, is eam minuit, qui
exercitum hostibus populi Romani tradidit, non qui eum, qui id
fecisset, populi Romani potestati tradidit.' Sin pars, partitione, 165
hoc modo: 'aut senatui parendum de salute rei publicae fuit aut
aliud consilium instituendum aut sua sponte faciendum; aliud
consilium, superbum; suum, adrogans; utendum igitur fuit
consilio senatus.' Si ex vocabulo, ut Carbo: 'si consul est, qui

1. *quaeratur* ω PSH : *quaeritur* K. 3. *haerent AEH* H : *inhaerent* ς PKS. 4. *vis* om. K cum *M*.

1. **quod**, interrogative, not relative; *vocabulum* being prefixed for the sake of emphasis.

2. **quod attingat**, 'which concerns:' cp. de Off. i. 22. 76 'quamquam haec quidem res non solum ex domestica est ratione: attingit etiam bellicam.'

4. **definitio** = ὅρος (Arist. Top. i. 5).

vis is omitted in *M*, and therefore bracketed by Ell., who supposes that 'universa' (in his view a nom. sing. agreeing with 'res') was misunderstood by 'ineptus ille qui *vis* addidit.' With the numberless instances of careless omissions in *M* it is impossible to attach much importance to their evidence in such a case:—immediately above *A* omits 'ad probandum aut ad,' leaving nonsense:—and 'universa vis' is a very natural expression for 'the general conception of it'; cp. i. 64.

5. **si maiestas**, etc., a defence which Antonius may have used for Norbanus as against Caepio. Cp. Or. part. 30. 104 'Prima adversariorum contentio diffusam habet quaestionem, . . ut in definitione: minueritne maiestatem Norbanus,' ib. 105 'In illis autem, ubi ita dicitur: non minuit maiestatem, quod egit de Caepione turbulentius; populi enim Romani dolor iustus vim illam excitavit, non tribuni actio: maiestas autem, quoniam est magnitudo quaedam populi Romani in eius potestate et iure retinendo, aucta potius est quam deminuta: et ubi ita refertur: maiestas est in imperii atque in nominis p. R. dignitate, quam minuit is, qui per vim multitudinis rem ad seditionem vocavit, exsistit illa disceptatio: minueritne maiestatem, qui voluntate p. R. rem gratam et aequam per vim egerit.'

7. **sin pars** quaeritur, **partitione** explicanda est vis; partitio = διαίρεσις.

9. **consilium**, 'body of advisers;' see Reid on Lael. 11. 37; and esp. Mommsen, Röm. Staatsr. iii. 1028: cp. iii. 1. 2 'videndum sibi esse aliud consilium.'

sua sponte, 'independently.'

aliud consilium, sc. instituere.

10. **superbum**, i.e. would have shown a defiance of the constitution.

suum, sc. inire, with a zeugma, for 'consilium' has to be supplied, not in the sense of 'council,' but rather of 'counsel,' just as in Liv. ix. 2. 15 'ne advocantes quidem in consilium, quando neque consilio nec auxilio opus esset.' This would naturally, like the following instance, be part of the defence of Opimius by Carbo.

11. **ex vocabulo**, Cic.'s first attempt to translate ἐτυμολογία. In Top. 2. 9 he tries *veriloquium*, which is more exact, but which, as Quint. i. 6. 28 says, frightened the inventor. He also says (Top. 8. 35): 'hoc idem Aristoteles σύμβολον appellat, quod Latine est *nota*.' For etymology as a method of proof see Reid on Acad. i. 32. The construction is 'si (argumentum quaeritur) ex vocabulo.'

si consul, etc. Of course the derivation is incorrect, as put here; but the two words may very possibly be of the same origin. What that was is a difficult question, to which very different answers are still given. Cp. Corssen, ii. 71, Nachtr. 283, Curt. ii. 67; Mommsen, Röm. Gesch. 1.[6] 246 (after some fluctuations of opinion), Nettleship in Journ. Phil. vol. iv. 272. Corssen gives 'convenire' as the primary meaning of 'consulere;' and this supplies a link; for from whatever root, 'consul' must carry with it the notion of joint action, like 'consilium.'

166 consulit patriae, quid aliud fecit Opimius?' Sin ab eo, quod rem attingit, plures sunt argumentorum sedes ac loci, nam et coniuncta quaeremus et genera et partis generibus subiectas et similitudines et dissimilitudines et contraria et consequentia et consentanea et quasi praecurrentia et repugnantia et causas rerum vestigabimus et ea, quae ex causis orta sint, et maiora, paria,
40 minora quaeremus. Ex coniunctis sic argumenta ducuntur: 'si
167 pietati summa tribuenda laus est, debetis moveri, cum Q. Metellum tam pie lugere videatis.' Ex genere autem: 'si magistratus in populi Romani esse potestate debent, quid Norbanum accusas,
168 cuius tribunatus voluntati paruit civitatis?' Ex parte autem ea, quae est subiecta generi: 'si omnes, qui rei publicae consulunt, cari nobis esse debent, certe in primis imperatores, quorum consiliis, virtute, periculis retinemus et nostram salutem et imperii dignitatem.' Ex similitudine autem: 'si ferae partus suos diligunt,
169 qua nos in liberos nostros indulgentia esse debemus?' At ex dissimilitudine: 'si barbarorum est in diem vivere, nostra con-

1. **rem attingit**: in Top. 2. 8 Cicero (closely following Aristotle) says, 'ex eis locis, in quibus argumenta inclusa sunt, [A] alii in eo ipso de quo agitur haerent, [B] alii adsumuntur extrinsecus: in ipso [A], (1) tum ex toto, (2) tum ex partibus eius, (3) tum ex nota, (4) tum ex eis rebus, quae quodam modo adfectae sunt ad id, de quo quaeritur; extrinsecus autem,' etc. We have had (1), (2), and (3); now comes (4), which is more fully discussed in Top. 9. 38 f. This category of 'connexion with the subject-matter' is further sub-divided into 15 subordinate categories or heads.

3. **coniuncta**, 'connected terms' = 'coniugata' of Top. 9. 38 'cuius est primus locus ex coniugatione, quam Graeci συζυγίαν vocant, finitimus notationi [derivation], de qua modo dictum est; ut si aquam pluviam eam modo intellegeremus, quam imbri collectam videremus, veniret Mucius, qui quia iugata verba essent "pluvia" et "pluendo" diceret omnem aquam oportere arceri, quae pluendo crevisset.' These are the ὅμοιαι πτώσεις of Aristotle.

partis, *pars* is one of Cic.'s attempts to translate εἶδος, 'species.' Cp. Or. 45; i. 42. 189 (note).

8. **pietati** . . **pie** are 'coniuncta' as derived from the same stem. The story of the exertions of Q. Metellus Pius ('pertinaci erga exulem patrem amore tam clarum lacrimis quam alii victoriis cognomen adsecutus,' Val. Max. v. 2. 7) on behalf of his father, when the latter was banished because he would not swear obedience to the agrarian laws of Saturninus, is told by Vell. Pat. ii. 15. 4; and more fully by Appian, B.C. i. 33. Cp. also Ihne, Röm. G. v. 237.

9. **magistratus** . . **tribunatus**: the tribuneship was not strictly speaking a magistracy (Mommsen, Röm. St. ii. 257), but afterwards came to be justly regarded as such (ib. p. 279 ff.).

in potestate esse, 'to be at the command of:' Norbanus is represented as simply carrying out the wishes of the people in his violent action.

12. **si omnes**, etc. 'Those who look after the interests of the state' evidently constitute the *genus* here; 'commanders' the *species*. Hence the illustration is really one 'ex genere.' The comparison is like that in § 172.

13. **quorum consiliis**, etc. by 'virtue of whose plans,' etc., a kind of ablative of the instrument.

15. **ex similitudine**. This head is developed at more length in Top. 10. 41–45, and extended so as to include 'inductio' or ἐπαγωγή by means of a series of comparisons.

silia sempiternum tempus spectare debent.' Atque utroque in genere et similitudinis et dissimilitudinis exempla sunt ex aliorum factis aut dictis aut eventis et fictae narrationes saepe ponendae. Iam ex contrario: 'si Gracchus nefarie, praeclare Opimius.' Ex consequentibus: 'si et ferro interfectus ille et tu 170 inimicus eius cum gladio cruento comprehensus in illo ipso loco et nemo praeter te ibi visus est et causa nemini et tu semper audax, quid est quod de facinore dubitare possimus?' Ex consentaneis et ex praecurrentibus et ex repugnantibus, ut olim Crassus adulescens: 'non si Opimium defendisti, Carbo, idcirco

1. **sempiternum tempus spectare.** Some inferior MSS. prefix *in*; but when 'spectare' is used metaphorically, 'to have an eye to,' it always takes the simple accusative, or acc. with *ad*. For **in diem vivere**, cp. Bentley on Hor. Carm. iii. 29. 43.

3. **fictae narrationes**: cp. Top. 10. 45 'ficta etiam exempla similitudinis habent vim.'

4. **si Gracchus**: *AEH* have 'sit Gracchus,' whence Sorof (after a conjecture of Halm's) read 'Si *Ti*. Gracchus:' if this is right, it can only imply a contrast between the conduct of Ti. Gracchus in opposing the senate and that of Opimius in supporting it, twelve years after: but this is to introduce a needless awkwardness of expression; and the same MSS. omit 'nefarie, praeclare Opimius:' hence they are not to be trusted here. I suppose that Sorof would regard this as an argument used by Crassus against Carbo: 'if you are right in defending Opimius, you ought to admit that Ti. Gracchus acted impiously, whereas you were a warm supporter of his conduct.' But it is more probable that it is taken from the speech of Carbo: 'if C. Gracchus was acting impiously, it was a noble deed of Opimius to slay him.' In Top. 12 Cicero distinguishes three kinds of *contraria, adversa, privantia*, and *negantia*. For the omission of 'fecit' cp. Reid's note on Acad. ii. 94.

5. **Ex consequentibus**: 'from corresponding circumstances.' Cicero seems to use 'consequentia' here as equivalent to 'coniuncta' in Top. 12. 52 'ante rem enim quaeruntur, quae talia sunt, apparatus, conloquia, locus, constitutum convivium; cum re autem, pedum crepitus, strepitus hominum, corporum umbrae, si quid eius modi; at post rem, pallor, rubor, titubatio, si qua alia signa conturbationis et conscientiae, praeterea restinctus ignis, gladius cruentus ceteraque, quae suspicionem facti possint movere.' Cicero goes on to say: 'deinceps est locus dialecticorum proprius ex consequentibus et antecedentibus et repugnantibus; nam coniuncta, de quibus paulo ante dictum est, non semper eveniunt, consequentia autem semper: ea enim dico consequentia quae rem necessario consequuntur.' The 'tu semper audax' does not suit the notion of necessary consequence, any more than the 'causa nemini:' hence Cicero appears to have modified his terminology in the later work. The editors who translate '*consequentia*' 'subsequent,' seem to overlook the possibility of this, and thus obscure the sense: *consentanea* evidently corresponds more nearly to the earlier 'consequentia.' If this interpretation is correct, we have another instance of the confusion of terminology, or perhaps rather of thought, which makes Prantl so angry with the 'Schwätzer' Cicero, as he delights to call him. Cicero is probably translating ἀκόλουθα, used by Quint. v. 10. 75, though there he distinguishes the 'signa immutabilia' (the 'consequentia' of the Topica, τεκμήρια) from the 'consequentia.' The instance given by Martianus Capella, iv. § 415, is 'secundus modus [condicionalis syllogismi] est qui appellatur a consequentibus . . . si est rhetorice utilis, est bene dicendi scientia, . . . non est autem bene dicendi scientia, non est utilis igitur.'

9. **repugnantia**, 'inconsistent,' 'contradictory' = τὰ μαχόμενα, *pugnantia inter se* (Part. Or. 2. 7). Cp. Quint. v. 10. 74 'ex pugnantibus: qui est sapiens, stultus non est.' It is curious to find the 'consentanea' separated from the 'consequentia' and coupled with 'praecurrentia' and 'repugnantia.' Possibly they are misplaced (J. S. R.).

te isti bonum civem putabunt: simulasse te et aliquid quaesisse
perspicuum est, quod Ti. Gracchi mortem saepe in contionibus
deplorasti, quod P. Africani necis socius fuisti, quod eam legem in
171 tribunatu tulisti, quod semper a bonis dissedisti.' Ex causis autem
rerum sic: 'avaritiam si tollere voltis, mater eius est tollenda, luxuries.'
Ex eis autem, quae sunt orta de causis: 'si aerarii copiis
et ad belli adiumenta et ad ornamenta pacis utimur, vectigalibus
172 serviamus.' Maiora autem et minora et paria comparabimus sic:
ex maiore: 'si bona existimatio divitiis praestat et pecunia tanto
opere expetitur, quanto gloria magis est expetenda!' ex minore:

'hic parvae consuetudinis
causa huius mortem tam fert familiariter:
quid si ipse amasset? Quid hic mihi faciet patri?'

Ex pari: 'est eiusdem et eripere et contra rem publicam largiri
173 pecunias.' Foris autem adsumuntur ea, quae non sua vi, sed
extranea sublevantur, ut haec: 'hoc verum est; dixit enim
Q. Lutatius. Hoc falsum est; habita enim quaestio est. Hoc

3. *eam* delet Reid.

1. **isti**, sc. iudices. The quotation given includes illustrations of all three. 'It necessarily follows that you had some private end in view (*aliquid quaesisse*) in your defence of Opimius, for you lamented the death of Ti. Gracchus (§ 106, note): your share in the murder of Africanus was inconsistent with your claim to be a "bonus civis:" your whole previous political conduct points to selfish motives.' The circumstances of the death of Scipio Aemilianus have been well discussed by Ihne (Röm. G. v. 456–460), who comes to the conclusion that it was due to natural causes, as Laelius expressly said in his funeral speech (Schol. Bob. Cicero, Mil. 7. 2), and that the various mutually contradictory charges of murder were nothing but inventions of party spirit. Hence it is almost impossible that 'P. Scipio' in Lael. 12. 41 should be Aemilianus. Cp. Seyffert ad loc. Still cp. Cic. ad Fam. ix. 22. 3 'C. Carbo . . P. Africano vim attulisse existimatus est;' ad Quint. Fr. ii. 3. 3 'Pompeius dixit se munitiorem ad custodiendam vitam suam fore, quam Africanus fuisset, quem C. Carbo interemisset.'

3. **eam legem**, probably the *lex tabellaria*, introducing the ballot in the enactment and repeal of laws (Cic. de Leg. iii. 16. 35). He also proposed a law 'ut eundem tribunum plebi quotiens vellet creare liceret,' but this was rejected. Cic. Lael. 25. 96; Liv. Per. lix.; Ihne, Röm. G. v. 58; Mommsen, iii. 106.

6. **Ex eis**, etc. = causarum eventus (Part. Or. 2. 7).

8. **serviamus**, 'let us devote ourselves to:' 'inservire' and 'deservire' are used in the same way, with a somewhat stronger force. Cf. § 327.

9. **ex maiore**: Cicero seems to have been misled by the use of 'magis.' Of course the illustration is an argument 'ex minore ad maius.'

11. **hic**, etc.: from Ter. Andr. 110–112, where Simo takes the grief of his son Pamphilus at the funeral of Chrysis, with whom he had but a slight acquaintance, as a proof of his affectionate nature. It was really due to his sympathy with the sister of Chrysis, Glycerium, with whom he was in love.

12. **tam familiariter**, 'as though he had known her so well.'

14. **eripere**, sc. reipublicae.

contra rem publicam, 'against the interests of the state.'

16. **sublevantur**, 'are supported.'

17. **Q. Lutatius** Catulus. Introd. p. 25. This proverbial saying does not appear to be mentioned elsewhere.

quaestio, 'torture,' as in § 116.

sequi necesse est; recito enim tabulas.' De quo genere toto paulo ante dixi. Haec, ut brevissime dici potuerunt, ita a me 41
dicta sunt; ut enim si aurum cui, quod esset multifariam de- 174
fossum, commonstrare vellem, satis esse deberet, si signa et notas ostenderem locorum, quibus cognitis ipse sibi foderet et id, quod vellet, parvo labore, nullo errore, inveniret; sic has ego argumentorum no*tav*i notas *quae* quaerenti demonstrant, ubi sint; reliqua cura et cogitatione eruuntur; quod autem argumentorum 175
genus cuique causarum generi maxime conveniat, non est artis exquisitae praescribere, sed est mediocris ingenii iudicare, neque enim nunc id agimus, ut artem aliquam dicendi explicemus, sed ut doctissimis hominibus usus nostri quasi quaedam monita tradamus. Hic igitur locis in mente et cogitatione defixis et in omni re ad dicendum posita excitatis, nihil erit quod oratorem effugere possit non modo in forensibus disceptationibus, sed omnino in ullo genere dicendi. Si vero adsequetur, ut talis 176
videatur, qualem se videri velit, et animos eorum ita adficiat,

1. *recito* ω KP: *recita* SH. 6. *sic has . . . demonstrant AEH.*
16. *si vero . . . . requiret*: incl. K cum Bak.

1. **recito**: Sorof reads 'recita' (by a conjecture, afterwards found in the all but worthless Erl. II), on the ground that at Rome as at Athens it was the custom for documents to be read in court by an official, not by the orator. Cp. in Verr. iv. 24. 53; v. 21. 54. But in pro Cluent. 23. 62 'recita' appears in a string of imperatives addressed to the counsel for the prosecution: 'redargue me, si mentior; testium dicta recita: doce,' etc. Hence so far from supporting the alteration, this passage goes to show that *recitare* could be used laxly for giving orders for the reading of papers, on the principle 'qui facit per alium, facit per se.' The change is therefore needless. For the practice in Athenian courts cp. Kennedy's Demosthenes, iii. 389.

3. **multifariam**: Roby, § 526; Neue, ii². 679. Adverbs of this kind are perhaps adjectives with 'partem' understood. Kühner, i. 686.

7. **argumentorum** no*tavi* **notas**. This passage is corrupt in the MSS. Sorof reads '*recog*novi notas quaerenti*que* demonstravi.' Stangl for 'novi' reads 'notavi.' Ell. reads 'argumentorum volui notas quaerenti demonstrare,' a good correction, if it were not that *demonstrari* is the reading only of M^2. Pid. 'argumentorum notas quaerenti demonstravi.' I would suggest 'argumentorum notavi notas quae quaerenti demonstrant,' a conjecture which I find has been proposed by Pearce (with '*quasi* notavi'). Cp. Or. 14. 46 'idemque (Aristoteles) locos . . . sic enim appellat—quasi argumentorum notas tradidit, unde omnis in utramque partem traheretur oratio.'

8. **reliqua**, i.e. the choice of the proper arguments, and their application to the case at issue.

10. **neque enim**: sc. 'Hence I will not enter upon a discussion of the choice of fitting arguments now; for,' etc.

12. **usus nostri**, 'given by my own experience:' a kind of personification of 'usus.'

14. **excitatis**, 'brought out.' Nägelsb. Stil. § 130, 2.

16. **talis videatur**: cp. i. 19. 87.

17. **adficiat** depends, I think, on *ut* and is not, as Kühner, ii. 927, takes it, an instance of *si* with the pres. conj. and with the *fut. ind.* coordinated. Cp. however Tusc. ii. 7. 17; Roby, vol. ii. p. 220 (note). Perhaps we should read 'adficiet' (J. S. R.).

apud quos aget, ut eos, quocumque velit, vel trahere vel rapere possit, nihil profecto praeterea ad dicendum requiret.

Iam illud videmus nequaquam satis esse, reperire quid dicas, 177 nisi id inventum tractare possis; tractatio autem varia esse debet, ne aut cognoscat artem qui audiat aut defatigetur similitudinis satietate: proponi oportet quid adferas et qua re ita sit ostendere; ex eisdem illis locis interdum concludere, relinquere alias alioque transire; saepe non proponere ac ratione ipsa adferenda quid proponendum fuerit, declarare; si cui quid simile dicas, prius ut simile [dicas] confirmes, deinde quod agitur, adiungas; interpuncta argumentorum plerumque occulas, ne quis ea numerare possit, ut re distinguantur, verbis confusa esse videantur.

10. *ut simile dicas AEH*, incl. K: *ut simile* [*dicas*] ς PS. 11. *occultes M*: *occulas* ς Nonius.

1. **vel trahere**, by persuasion; **vel rapere**, by exciting strong emotions. For the ἦθος (*conciliare*) and the πάθος (*movere*) side by side with the *docere*, cp. § 121.

4. **nisi id inventum**, etc. Cp. ad Her. ii. 18. 27 'quoniam satis ostendisse videmur, quibus argumentationibus . . uti conveniret, consequi videtur, ut doceamus quem ad modum argumentationes ornate et absolute tractare possimus.' This subject is dealt with at length in the treatise 'ad Herennium:' here Cicero passes over it rapidly as being a familiar one.

varia: cp. de Inv. i. 41. 76.

5. **audiat**, compared with '**aget**' just above, shows the freedom with which the fut. and pres. subj. interchange in such clauses. Cp. § 178.

similitudinis satietate, a genitive of cause = 'arising from.' Roby § 1280.

6. **proponi . . . ostendere**: for the change from passive to active cp. Brut. 52. 196 'quam captiosum esset populo, quod scriptum esset neglegi et opinione quaeri voluntates et interpretatione disertorum scripta simplicium hominum pervertere.' Other instances are quoted by Madvig on de Fin. ii. 10. 21. For *propositio*, *ratio*, *rationis confirmatio*, followed by *exornatio* and *complexio* 'quae concludit' cp. ad Her. ii. 18. 28.

7. **interdum** and **alias** correspond in the same way in iii. 54. 206, 'interdum vim, leporem alias.' Notice the *chiasmus*.

concludere, 'to draw the conclusion.' Or. part. 47.

relinquere, 'to pass over it,' sc. the *conclusio*.

8. **ac**: 'but rather,' §§ 74, 98, 147, etc.

10. **ut confirmes**: Cicero does not construct *oportet* with *ut* and the conj., but the thought of the writer has passed from that particular word to the general notion of obligation (so Sorof). *Oportet ut* is not earlier than Augustine. But if we reject 'dicas,' it is better to take 'confirmes' as jussive, which 'occulas' must be: 'first demonstrate the analogy.' But the sense is not very satisfactory: and it is hard to see how 'dicas' is found in *M* and omitted in ς, if it is not genuine. Reid suggests 'ut si nil simile dicas confirmes,' comparing for 'confirmes' = 'praemunias' Sandys on Orat. § 137. This is very ingenious, but it may be doubted whether Cic. (whatever his practice) ever so distinctly recommends sophistry. It is not hoodwinking the audience to disguise the formal division of your arguments.

11. **interpuncta argumentorum**, 'the points which separate the various arguments:' there is sufficient MSS. evidence for this reading (*A* has a blot before *puncta*, but some letters evidently stood there): and it makes much better sense than *puncta* which Ell. prefers. Nonius, p. 148 has *interiuncta*.

12. **verbis confusa**, 'closely connected, passing one into the other, in the way in which they are stated.' Cp. de Fin. v. 23. 67 'coniunctio confusioque virtutum,' Reid on Acad. ii. 47 and Holden on de Off. i. 27. 95; ii. 3. 10.

Haec properans ut et apud doctos et semidoctus ipse percurro, 42
ut aliquando ad illa maiora veniamus: nihil est enim in dicendo, 178
Catule, maius, quam ut faveat oratori is, qui audiet, utique ipse
sic moveatur, ut impetu quodam animi et perturbatione magis,
quam iudicio aut consilio regatur: plura enim multo homines
iudicant odio aut amore aut cupiditate aut iracundia aut dolore
aut laetitia aut spe aut timore aut errore aut aliqua permotione
mentis quam veritate aut praescripto aut iuris norma aliqua aut
iudicii formula aut legibus. Qua re, nisi quid vobis aliud placet, 179
ad illa pergamus. 'Paulum' inquit Catulus 'etiam nunc deesse
videtur eis rebus, Antoni, quas exposuisti, quod sit tibi ante explicandum, quam illuc proficiscare, quo te dicis intendere.' 'Quidnam?' inquit. 'Qui ordo tibi placeat' inquit Catulus 'et quae
dispositio argumentorum, in qua tu mihi semper deus videri
soles.' 'Vide quam sim' inquit 'deus in isto genere, Catule: 180
non hercule mihi nisi admonito venisset in mentem; ut possis existimare me in ea, in quibus non numquam aliquid efficere videor, usu solere in dicendo vel casu potius incurrere. Ac res quidem ista, quam ego, quia non noram, sic tamquam ignotum

1. *Haec ut et properans et apud doctos M. Haec et properans ut* etc. KPH. 19. *quia non noram* ω PCH: *quasi non norim* K: *quia non memineram* S. Bak.

§§178–184. *The importance of winning the favour of the audience is pointed out* (§ 178);—*in reply to a suggestion of Catulus, Antonius says that the proper time for discussing arrangement has not yet come* (§§ 179–181):—*and the means of securing it discussed* (§§ 182–184).

2. **aliquando**: i. 29. 133 (note). The correction of Pid. and K. is a little nearer to the MS. reading, but the neatness of the passage is evidently best preserved by Sorof's reading in the text: the learning of his audience and the lack of it on his own part are the two reasons for the haste of Antonius.

3. **audiet**: for the indic. retained in a clause dependent upon one containing a conjunctive cp. Roby, § 1779: for the future tense, transferring a general principle to a particular case in time to come, cp. 'apud quos aget,' §§ 176, 182, 189; i. 11. 48 (note).

8. **veritate**, 'the real state of the case,' § 31; i. 33. 149, opposed to errore, which has been quite needlessly suspected. Cp. Or. 33. 118; Or. part. 11. 38.

praescripto, 'definite rule.' **iuris norma**, 'legal principle.'

aliqua, 'some other:' cp. de Off. i. 8. 23 'ac ira aut aliqua perturbatione incita.'

9. **iudicii formula**, 'issue stated (procedure laid down) for a particular trial.' For the praetor's 'formula' with which he sent the parties 'in iudicium' to a suit before a 'iudex' cp. Gaius, iv. 30 ff.

14. **deus**, § 362; i. 23. 106; Introd. p. 16. Brut. 37. 139 'omnia veniebant Antonio in mentem, eaque suo quaeque loco, uti plurimum proficere et valere possent, ut ab imperatore equites, pedites, levis armatura, sic ab illo in maxime opportunis orationis partibus collocabantur.'

15. **quam . . . deus**, 'how much of a god,' § 133 (note).

16. **ut possis existimare**, 'so that you may well believe.'

19. **sic tamquam**: Brut. 18. 71 'Odyssia Latina est sic tamquam opus aliquod Daedali.' With Pid. I see no reason to change the MS. reading 'quia non noram' = 'because I did not recognise it,' when

hominem praeteribam, tantum potest in dicendo, ut ad vincendum nulla plus possit; sed tamen mihi videris ante tempus a
181 me rationem ordinis et disponendarum rerum requisisse; nam si ego omnem vim oratoris in argumentis et in re ipsa per se comprobanda posuissem, tempus esset iam de ordine argumentorum et de conlocatione aliquid dicere; sed cum tria sint a me proposita, de uno dictum, cum de duobus reliquis dixero, tum erit denique de disponenda tota oratione quaerendum.

43 Valet igitur multum ad vincendum probari mores et instituta
182 et facta et vitam eorum, qui agent causas, et eorum, pro quibus, et item improbari adversariorum, animosque eorum, apud quos agetur, conciliari quam maxime ad benevolentiam cum erga oratorem tum erga illum, pro quo dicet orator. Conciliantur autem animi dignitate hominis, rebus gestis, existimatione vitae; quae facilius ornari possunt, si modo sunt, quam fingi, si nulla sunt. Sed haec adiuvant in oratore: lenitas vocis, voltus pudor[is significatio], verborum comitas; si quid persequare acrius, ut invitus et coactus facere videare. Facilitatis, liberalitatis, mansuetudinis, pietatis, grati animi, non appetentis, non avidi signa proferre perutile est; eaque omnia, quae proborum, demissorum,

11. *et facta et vitam* om. *M*: incl. K. 15. *omnis robustis A.* 17. *adiuvat M.* *voltus pudor* [*is significatio*] KS cum Bakio.

I passed it by just like a stranger. Of course the phrase is ironical. But Stangl's conjecture *notaram* (cp. § 66. 175) is very attractive.

10. **instituta**, 'principles.' The similarity of *uitā* to *-uta* is quite enough to account for the omission of 'et facta et vitam' in *M*: there is no objection to the words, and no reason for their intrusion, if not genuine.

15. **dignitate**, etc. Volkmann, Rhet.[2] p. 276, gives examples of these from the orators. The influence of the ἦθος of the speaker on his hearers is admirably discussed by Aristotle, Rhet. i. 2: ἀλλὰ σχεδὸν ὡς εἰπεῖν κυριωτάτην ἔχει πίστιν τὸ ἦθος, κ.τ.λ.; and ii. 1: πολὺ γὰρ διαφέρει πρὸς πίστιν . . . τὸ ποιόν τινα φαίνεσθαι τὸν λέγοντα καὶ τὸ πρὸς αὐτοὺς ὑπολαμβάνειν πῶς διακεῖσθαι αὐτόν, πρὸς δὲ τούτοις ἐὰν καὶ αὐτοὶ μὲν διακείμενοί πως τυγχάνωσιν. τὸ μὲν οὖν ποιόν τινα φαίνεσθαι τὸν λέγοντα χρησιμώτερον εἰς τὰς συμβουλάς ἐστιν, τὸ δὲ διακεῖσθαί πως τὸν ἀκροατὴν εἰς τὰς δίκας. Cp. above, § 115. Cope (Introd. p. 151) points out that Aristotle's conception of Rhetoric as an art requires that this ἦθος should be impressed by the speech, and not by the previous character of the speaker, therein differing from Cicero's and Quintilian's *auctoritas*.

16. **si modo**: i. 47. 204; Roby, § 1533 a.

17. **voltus pudor[is significatio]**. There is evidently something wrong here; but there is no clear indication of the way in which it should be corrected. If *voltus* is to be taken as the genitive, some word like 'dignitas' may have been lost before it. The omission of [-is significatio] makes a neat sentence, but it is not easy to account for the corruption in that case. Harn. brackets ['pudoris significatio verborum comitas'], reading '*et* vultus,' Friedrich more plausibly 'haec adiuvat in oratore lenitas vocis voltus verborum.'

non acrium, non pertinacium, non litigiosorum, non acerborum
sunt, valde benevolentiam conciliant abalienantque ab eis, in
quibus haec non sunt; itaque eadem sunt in adversarios ex
contrario conferenda. Sed genus hoc totum orationis in eis 183
causis excellit, in quibus minus potest inflammari animus iudicis
acri et vehementi quadam incitatione; non enim semper fortis
oratio quaeritur, sed saepe placida, summissa, lenis, quae maxime
commendat reos. Reos autem appello non eos modo, qui arguuntur, sed omnis, quorum de re disceptatur; sic enim olim loquebantur. Horum igitur exprimere mores oratione iustos, integros, 184
religiosos, timidos, perferentis iniuriarum mirum quiddam valet; et hoc vel in principiis vel in re narranda vel in perorando tantam habet vim, si est suaviter et cum sensu tractatum, ut saepe plus quam causa valeat. Tantum autem efficitur sensu quodam ac ratione dicendi, ut quasi mores oratoris effingat oratio; genere enim quodam sententiarum et genere verborum, adhibita etiam actione leni facilitatemque significante efficitur, ut probi, ut bene morati, ut boni viri esse videamur.

3. *non sunt BOP* KS: *minus sunt* P secutus Klotz. *sunt M.* 7. *summissa, lenis, quae* edd.: *summis alienisque A.* 15. An *quodam in hac?* Reid. 16. 'Certum est Ciceronem non scripsisse *genere quodam sententiarum et genere verborum*, sed correctio incerta; vereor ne priore loco aliud subsit vocabulum, velut *tenore*.' Madvig, Adv. Crit. iii. 90. 18. *videamur OP* KS: *videantur ω* PAH.

3. Friedrich defends the omission of *non*, arguing that *haec* refers only to *acrium*, etc. (Fleck. Jahrbb. 1887, p. 83).

4. **in eis causis**: i.e. where πάθος is out of place, ἦθος is most effective. Volkmann (p. 284) well quotes the close of the first speech of Lysias: ἐγὼ γὰρ νῦν καὶ περὶ τοῦ σώματος καὶ περὶ τῶν χρημάτων καὶ περὶ τῶν ἄλλων ἁπάντων κινδυνεύω, ὅτι τοῖς τῆς πόλεως νόμοις ἐπειθόμην.

8. **Reos**: cp. § 321, and Fest. s. v.: 'Gallus Aelius libro ii significationum verborum, quae ad ius pertinent, ait; reus est, qui cum altero litem contestatam habet, sive is egit, sive cum eo actum est.' So in Leg. xii Tabb. ii. 2 'morbus sonticus . . . aut status dies cum hoste: quid horum fuit vitium iudici arbitrove reove, eo die diffensus esto,' quoted by Fest. p. 273 M.: cp. Gellius, xx. 1. 27. *Reus* is connected with *reor*, but its derivation from *res* is more doubtful: cp. Wordsworth, Specimens, p. 518; Vaniček, Et. W. pp. 766, 767.

10. **iustos**, etc. predicates after 'exprimere.'

11. **perferentis iniuriarum**, 'disposed to put up with wrongs:' the participle, when used of a character or tendency, not of an action at a particular time, takes the construction of a verbal adjective with the genitive: so § 364 'tam sui despiciens.' Roby, §§ 1074, 1314: Madvig, § 289 a. The latter notices that with an adverb the participle reverts to the construction of the verb: 'homo facile iniurias perferens.'

mirum quiddam: i. 3. 12 (note).

13. **cum sensu**, 'with feeling:' iii. 25. 96 'ut sensus, ut doloris habent quantum opus sit, non est singulorum articulorum.'

14. **sensu quodam ac ratione dicendi**, 'by a style of speaking, which displays real feeling.' quodam is intensive: cp. i. 5. 16; 50. 218 and has to be repeated with ratione.

15. **quasi mores . . . effingat**, 'seems to give a picture of the character.'

18. **probi . . . boni**, 'upright . . . good,' with a climax like that in Rom. v. 7 μόλις γὰρ ὑπὲρ δικαίου τὶς ἀποθανεῖται· ὑπὲρ γὰρ τοῦ ἀγαθοῦ τάχα τὶς καὶ τολμᾷ ἀποθανεῖν.

44 185 Huic autem est illa dispar adiuncta ratio orationis, quae alio quodam genere mentis iudicum permovet impellitque, ut aut oderint aut diligant aut invideant aut salvum velint aut metuant aut sperent aut cupiant aut abhorreant aut laetentur aut maereant aut misereantur aut poenire velint aut ad eos motus deducantur, si qui finitimi sunt [et de propinquis ac] talibus animi permotionibus; atque illud optandum est oratori, ut aliquam permotionem animorum sua sponte ipsi adferant ad causam iudices ad id, quod uti-

186 litas oratoris feret, adcommodatam; facilius est enim currentem, ut aiunt, incitare quam commovere languentem; sin id aut non erit aut erit obscurius, sicut medico diligenti, priusquam conetur aegro adhibere medicinam, non solum morbus eius, cui mederi

6. *de propinquis ac talibus animi permotionibus* codd. fere omnes: incl. KSCFr. *et propinqui his ac talibus animi permotionibus OP* Ell. PAHSt. 12. *cui mederi volet* om. *M*: incl. K.

The reading of most MSS. *videantur* would require *oratorum* not *oratoris.* (The false parallel quoted here by some editors from de Off. iii. 15. 64, is rejected by good editors: cp. Holden's not. crit. in loc.)

§§ **185–214.** *It is also of the greatest importance to inspire the suitable emotions in the minds of the audience; and to do this requires the greatest attention to their feelings at the time* (§§ 185–187). *In this Crassus was especially successful* (§ 188). *The orator should himself feel the emotions which he desires to excite* (§§ 189–190), *and this is quite natural, considering the character of his themes, as is shown by examples* (§§ 191–194), *especially by the instance of Antonius himself in the trials of Aquilius* (§§ 195–196), *and of Norbanus* (§§ 197–201). *Sulpicius here bears witness to the effect which Antonius produced in the latter* (§§ 202–204). *Antonius goes on to show that in some cases an attempt to work upon the feelings is out of place* (§ 205), *and dwells upon the proper way of exciting various emotions, and the danger of exaggeration* (§§ 206–208), *laying especial stress upon envy* (§§ 209–210), *and pity* (§ 211). *Conciliatory language must be united with emotional passages* (§ 212), *and the speaker must not hurry into or over the latter* (§§ 213–214). *Finally, the opponents' arguments must be met by arguments, his appeals to the emotions by exciting the opposite emotions.*

1. **Huic . . . adiuncta,** 'closely connected with this.'

2. **permovet impellitque**: Sorof notices how fond Cicero is of connecting the predicates of two coordinate clauses by *-que,* and bringing them into immediate juxtaposition.

3. **invideant,** 'look with ill-will upon a man.'

5. **poenire**: so *A* and other good MSS., and the cod. Ambr. in de Rep. iii. 9. Brambach rejects it as archaic; but we may surely allow it to stand where the best MSS. give it. Cp. Corssen, i². 703.

deducantur: § 189. (*A* by a very common error has *diducant.*)

6. **[de propinquis ac] talibus animi permotionibus.** This reading of the great majority of the MSS. including all of the better class, manifestly points to a marginal gloss. 'Propinqui' was probably a gloss on 'finitimi.' The old reading 'et propinqui his ac talibus,' etc. looks like an easy but late correction.

9. **feret,** 'will require.' De Imp. Pomp. 24. 70 'si vestra voluntas feret,' Planc. in Cic. ad Fam. x. 21. 6 'si occasio tulerit,' and often. Sometimes 'allow' or 'suggest' better gives the meaning.

currentem . . . incitare: cp. ad Q. fratr. i. 1. 16 'atque haec non eo dicuntur, ut te oratio mea dormientem excitasse, sed potius ut currentem incitasse videatur.' Ov. Ep. Pont. ii. 38 'nec nocet admisso subdere calcar equo.' Plin. Ep. i. 8. 1 'addidisti ergo calcaria sponte currenti.'

10. **ut aiunt,** 'as the proverb goes.'

11. **conetur**: Roby, § 1672.

12. **aegro,** adj. used substantively, to

volet, sed etiam consuetudo valentis et natura corporis cognoscenda est, sic equidem cum adgredior in ancipiti causa et gravi ad animos iudicum pertractandos, omni mente in ea cogitatione curaque versor, ut odorer, quam sagacissime possim, quid sentiant, quid existiment, quid exspectent, quid velint, quo deduci oratione facillime posse videantur. Si se dant et, ut ante dixi, sua sponte, 187 quo impellimus, inclinant atque propendent, accipio quod datur et ad id, unde aliquis flatus ostenditur, vela do; sin est integer quietusque iudex, plus est operis; sunt enim omnia dicendo excitanda, nihil adiuvante natura. Sed tantam vim habet illa, quae recte a bono poëta dicta est

flexanima atque omnium regina rerum oratio,

ut non modo inclinantem excipere aut stantem inclinare, sed

correspond with *medico*: this use is much more common in the oblique cases than in the nominative: cp. Kühner, ii. 170; Lael. 4. 14 'vereor ne invidi magis quam amici sit.' For the comparison cp. Plat. Phaedr. 270 B *ὁ αὐτός που τρόπος τέχνης ῥητορικῆς ὅσπερ καὶ ἰατρικῆς. ἐν ἀμφοτέραις δεῖ διελέσθαι τὴν φύσιν, σώματος μὲν ἐν τῇ ἑτέρᾳ, ψυχῆς δὲ ἐν τῇ ἑτέρᾳ, εἰ μέλλεις μὴ τριβῇ μόνον καὶ ἐμπειρίᾳ, ἀλλὰ τέχνῃ τῷ μὲν φάρμακα καὶ τροφὴν προσφέρων ὑγίειαν καὶ ῥώμην ἐμποιήσειν, τῇ δὲ λόγους τε καὶ ἐπιτηδεύσεις νομίμους, πειθὼ ἣν ἂν βούλῃ καὶ ἀρετὴν παραδώσειν.*

3. **cogitatione curaque**, 'attentive consideration,' hendiadys as in § 174.

4. **sagacissime**, in its primary sense of keen scent. Cp. de Div. i. 31. 65 'sagire enim sentire acute est: ex quo... sagaces dicti canes.' Col. vii. 12. 7 'canes si advenientem sagaciter odorantur;' ad Att. vi. 4. 3 'illud praeterea *μυστικώτερον* ad te scribam, tu sagacius odorabere.'

6. **se dant**, 'they put themselves into my hands,' i.e. if they seem ready to be impressed.

7. **inclinant atque propendent**, 'incline and lean:' cp. § 129. Ellendt's 'longe lectius' *incumbunt* has very slight authority. *Aγ* read *incii* which represents *inclīāt*, the last two letters of which were lost before 'atque.'

accipio quod datur: a proverbial phrase for not looking a gift-horse in the mouth = *τὰ διδόμενα δέχεσθαι* Plat. Gorg. 499 C, and elsewhere: cp. ad Att. vi. 5. 2 'meque obiurgavit vetere proverbio *τὰ μὲν διδόμενα*: xv. 17. 1; de Fin. ii. 82, ad Fam. i. 1. 2, Acad. ii. 68 (J. S. R.).

8. **ad id . . . vela do**: Kühner renders 'spread my sails to the quarter whence the wind comes:' this somewhat misses the point of the last clause: rather 'to that quarter where there seems some hope of a breeze.' 'Vela dare' is not here used in its most usual sense of 'to sail' (as in Or. 75): Cicero, though no sailor, would have hardly thought it possible to sail into the eye of the wind: but rather means 'to set one's sails' so as to catch a breeze coming from a particular quarter. This is also the force of the phrase in metaphors: e.g. Mart. viii. 70. 6 'Pieriam tenui frontem redimire corona | contentus famae nec dare vela suae.' Stripped of figure Antonius means that if he sees the judges are inclined to favour him on any particular point, he presses this with special energy.

integer, 'unbiassed,' 'neutral:' cp. de Nat. Deor. iii. 3. 7 'sic adgredior ad hanc disputationem, quasi nihil umquam audierim de dis immortalibus, nihil cogitaverim: rudem me et integrum discipulum accipe.'

11. **a bono poëta**, sc. Pacuvius, in his Hermione, called by Quintilian 'non ignobilis tragicus,' where he quotes the same phrase, i. 12. 18 (cp. Ribb. Frag. Trag. p. 98). The full trochaic septenarian ran 'ó flexanima atque ómnium regína rerum orátio,' which is said to have been imitated from Eur. Hec. 816 *πειθὼ δὲ τὴν τύραννον ἀνθρώποις μόνην.*

13. **excipere**, 'catch' in one's arms, and to secure for one's self. Ell. supposes that here, as in § 32, the figure is derived from hunting: but 'excipere inclinantem'

etiam adversantem ac repugnantem, ut imperator fortis ac
45 bonus, capere possit. Haec sunt illa, quae me ludens Crassus
188 modo flagitabat, cum a me divinitus tractari solere diceret et in causa M'. Aquilii Gaique Norbani non nullisque aliis quasi praeclare acta laudaret, quae mehercule ego, Crasse, cum a te tractantur in causis, horrere soleo: tanta vis animi, tantus impetus, tantus dolor oculis, voltu, gestu, digito denique isto tuo significari solet; tantum est flumen gravissimorum optimorumque verborum, tam integrae sententiae, tum verae, tam novae, tam sine pigmentis fucoque puerili, ut mihi non solum
189 tu incendere iudicem, sed ipse ardere videaris. Neque fieri potest, ut doleat is, qui audit, ut oderit, ut invideat, ut pertimescat aliquid, ut ad fletum misericordiamque deducatur, nisi omnes illi motus, quos orator adhibere volet iudici, in ipso oratore impressi esse atque inusti videbuntur. Quodsi fictus aliqui dolor suscipiendus esset et si in eius modi genere orationis nihil esset nisi falsum atque imitatione simulatum, maior ars

11. *ipse videaris AEH*: *incensus videaris B* Lagg. 2, 4: *esse* addidit Lambinus: *incendi videaris* Lg. 2 a. Ell.: *videaris incendi* P Lg. 36: *ardere videaris* ς SFr.H.
16. *aliqui H*: *aliquis E*: *aliquid A*.

is a very different thing from 'excipere voluntates.' Hence the explanation of Orelli, and Henrichsen is much to be preferred. Pid. quotes Liv. i. 41 'Tarquinium moribundum cum qui circa erant excepissent.' The old reading 'erigere' has little authority, and is based upon a misunderstanding: the *iudex* is unquestionably the object, not the defendant: it is quite needless with Ern. and others to adopt Crevier's bold conjecture 'impellere,' which could not possibly have got corrupted so generally.

2. **capere** = 'take prisoner.'

7. **digito**, sc. the forefinger (*index*): cp. Quintil. xi. 3. 94 'at cum tres contracti pollice premuntur, tum digitus ille, quo usum optime Crassum Cicero dicit, explicari solet. Is in exprobrando et indicando, unde et ei nomen est, valet,' etc.

9. **tam integrae sententiae**, 'so fresh the thoughts.'

10. **sine pigmentis**: cp. iii. 25. 100; 52. 199; and for the construction § 28 (note).

11. **sed ipse ardere videaris**: 'ardere' is omitted by *M*. In § 190 we have *ardens* of the orator and *incendi* of his audience (cp. Or. 38. 132, quoted below). Besides the form 'videaris,' unusual in Cicero for 'videare,' points to a preceding infinitive in *-re*: the form in *-ris* was chosen to avoid cacophony with the infinitive.

Neque fieri potest, etc. Cp. Or. 38. 132 'nec unquam is, qui audiret, incenderetur, nisi ardens ad eum perveniret oratio:' Hor. A. P. 101 'ut ridentibus arrident, ita flentibus adsunt | humani voltus: si vis me flere, dolendum est | primum ipsi tibi; tunc tua me infortunia laedent.' Quintil. vi. 2. 26 'summa enim, quantum ego quidem sentio, circa movendos affectus in hoc posita est, ut moveamur ipsi:' (cp. the context). There is an interesting collection of opinions on the question whether actors feel the emotions which they are depicting in Archer's 'Masks or Faces,' which discusses Diderot's famous 'Paradox.'

14. **adhibere**, 'bring to bear upon,' with a reference to 'adhibere medicinam' in § 186.

15. **inusti**, as usual after 'atque,' stronger than *impressi*.

17. **imitatione simulatum**, the *passive* participle from 'imitari,' is very rare: there is one undoubted instance in Cic. Tim. 8 'imitata et ficta simulacra.' Cp. Roby, i. p. 237.

cf. Goethe Faust II. iii.
Denn es muss von Herzen gehen
Was auf Herzen wirken soll.

aliqua forsitan esset requirenda: nunc ego, quid tibi, Crasse, quid ceteris accidat, nescio; de me autem causa nulla est, cur apud homines prudentissimos atque amicissimos mentiar: non me hercule umquam apud iudices [aut] dolorem aut misericordiam aut invidiam aut odium dicendo excitare volui quin ipse in commovendis iudicibus eis ipsis sensibus, ad quos illos adducere vellem, permoverer; neque est enim facile perficere, ut irascatur **190** ei, cui tu velis, iudex, si tu ipse id lente ferre videare; neque ut oderit eum, quem tu velis, nisi te ipsum flagrantem odio ante viderit; neque ad misericordiam adducetur, nisi tu ei signa doloris tui verbis, sententiis, voce, voltu, conlacrimatione denique ostenderis; ut enim nulla materies tam facilis ad exardescendum est, quae nisi admoto igni ignem concipere possit, sic nulla mens est tam ad comprehendendam vim oratoris parata, quae possit incendi, nisi ipse inflammatus ad eam et ardens accesserit. Ac, ne **46** hoc forte magnum ac mirabile esse videatur hominem totiens **191** irasci, totiens dolere, totiens omni motu animi concitari, praesertim in rebus alienis, magna vis est earum sententiarum atque eorum locorum, quos agas tractesque dicendo, nihil ut opus sit simulatione et fallaciis; ipsa enim natura orationis eius, quae suscipitur ad aliorum animos permovendos, oratorem ipsum magis etiam quam quemquam eorum, qui audiunt, permovet. Et ne hoc in causis, in iudiciis, in amicorum periculis, in concursu **192** hominum, in civitate, in foro accidere miremur, cum agitur non solum ingenii nostri existimatio, nam id esset levius;—quam-

4. [*aut*] om. *M* Fr. 15. *accesserit* KP: *accesseris* S: *accesserit S.* *ac AEH.*

1. **nunc,** 'as things are' at present; opposed to the untrue hypothesis 'si suscipiendus esset,' etc. Cp. Kühner on Tusc. D. iii. 1. 2.

8. **id,** put loosely for the matter at which you desire to rouse his anger.

11. **conlacrimatione.** The part played by tears in the ancient oratory is somewhat at variance with our modern Northern tastes. Cp. Cic. pro Planc. ad fin. 'plura ne dicam tuae [i.e. of the presiding judge] me etiam lacrimae impediunt vestraeque, iudices, non solum meae.' So pro Sest. 11. 26 'flens universus ordo consulem orabat;' 62. 130 'collacrimavit vir egregius ac vere Metellus,' where Halm notes 'Apte contulit Abrami proverbium Graecum ἀγαθοὶ δ' ἀριδάκρυες ἄνδρες;' a saying not always true: e.g. Sulla shed tears readily (Plut. Syll. c. 30; iii. 183, Clough).

12. **facilis ad exardescendum,** 'inflammable:' for similar periphrases cp. Nägelsb. Stil. p. 342.

13. **igni:** so *A* and most MSS. here. Neue, i². pp. 220–221 gives a very full statement of the authorities for this form, which is always found in Lucr. and Hor. and in the legal phrase 'aqua et igni interdicere:' never in Martial.

15. **accesserit** has more authority than *accesseris*, and is better after *ipse*, which refers to 'oratoris.'

ne videatur . . . magna vis est. Roby, § 1660.

19. **agas,** 'plead.'

nihil ut, § 2 (note).

quam, cum professus sis te id posse facere, quod pauci, ne id quidem neglegendum est;—sed alia sunt maiora multo, fides, officium, diligentia, quibus rebus adducti, etiam cum alienissimos defendimus, tamen eos alienos, si ipsi viri boni volumus haberi,
193 existimare non possumus—sed, ut dixi, ne hoc in nobis mirum esse videatur, quid potest esse tam fictum quam versus, quam scaena, quam fabulae? Tamen in hoc genere saepe ipse vidi, ut ex persona mihi ardere oculi hominis histrionis viderentur †spondalli illa dicentis:

> segregare abs te ausu's aut sine illo Salamina ingredi?
> neque paternum aspectum es veritus?

Numquam illum aspectum dicebat, quin mihi Telamo iratus

8. *spondalli*: sic fere *M.* Frustra corrigere conati sunt viri docti.

1. **quod pauci**, sc. 'possunt:' cp. i. 8. 31.

2. **sed alia sunt maiora**, an anacoluthon, after the parenthesis. The clause would have run more regularly 'sed et aliorum multo maiorum, fidei,' etc., sc. 'existimatio agitur.'

5. **sed**, resumptive, after the digression.

7. **scaena**, the well-established orthography (cp. C. I. L. i. p. 594; Ribbeck, Prol. in Verg. p. 387; Corssen, i². 325), wrongly rejected here by Ellendt. It is not impossible that in the pronunciation of this word we have an indication that it came to the Romans through the Doric Greek of Southern Italy.

vidi ut viderentur, § 151.

8. **persona**, i. e. through the eye-holes in the mask. For the whole sentiment cp. Hamlet's speech, 'Is it not monstrous,' etc. Hamlet, ii. 2. 531–545.

hominis histrionis: so ad Fam. xii. 22 'cum homine gladiatore:' this is not to be taken as a Grecism, like ἄνδρες ἀδελφοί, but is common in the comedians; e.g. Plaut. Trin. 131 'amanti homini adulescenti;' Ter. Ad. 562 verberare hominem senem;' Phorm. 292 'servom hominem,' etc. Here, however, there is a certain contempt implied. I do not know on what authority Ribbeck (Röm. Trag.) now writes *istrio*. No good MS. anywhere appears to give this form; if Aufrecht, Kuhn's Ztschr. ix. 231, is right in tracing it to the root *ghas*, 'laugh,' etymology does not support it. Cp. Liv. vii. 2. 6, who gives *hister* as an Etruscan word.

†**spondalli.** No conjecture hitherto proposed is at all convincing. That of Salmasius, which has found much favour, 'spondaulia,' as G. Hermann (Opusc. i. 304) well shows, is inconsistent with 'dicentis,' 'dicebat.' The word is only known from Diomedes, 476. 13, who has 'spondaulium canere.' Hermann himself suggests 'e sponda illa,' but the 'couch' of Telamon was not well-known enough to bear the epithet 'illa,' and the difficulty is not wholly removed if 'illa' is taken as neut. plur. Pid. adopts Jeep's 'excellent' conjecture 'ut sua sponte aliena:' but this is far removed from the MSS., and is not strongly recommended by the sense: 'sua sponte' can hardly be forced into meaning 'as if they were the expression of his own feelings.' Madvig (Adv. Crit. iii. 91) is much better with 'sponte alienā illa:' cp. de Leg. i. 17. 45 'sua sponte, non aliena iudicantur.' Ribbeck and (independently) Sandys have conjectured 'splendida illa:' Harn. 'e suo aliena.' It is not easy to see why either of these should have been corrupted.

10. **segregare**, sc. 'Aiacem.' Teucer was engaged in a night-foray, when Ajax committed suicide: Soph. Aj. 342, 564, 720.

In the Teucer of Pacuvius, imitated from a (lost) play of Sophocles bearing the same name, Telamon was represented as full of wrath at his illegitimate son Teucer for having returned without his half-brother Ajax. He banished him from Salamis, and Teucer withdrew to Cyprus, where he founded a new Salamis. Cp. Hor. Carm. i. 7. 21 ff. Soph. Aj. 982 ff.

12. **illum aspectum** = illud vocabulum 'aspectum:' cp. iii. 38. 154 'ille senius

furere luctu filii videretur; at idem inflexa ad miserabilem sonum voce,

cum aetate exacta indigem
liberum lacerasti, orbasti, exstinxti; neque fratris necis,
neque eius gnati parvi, qui tibi in tutelam est traditus,

flens ac lugens dicere videbatur; quae si ille histrio, cotidie cum ageret, tamen [recte] agere sine dolore non poterat, quid Pacuvium putatis in scribendo leni animo ac remisso fuisse? Fieri nullo modo potuit. Saepe enim audivi poëtam bonum neminem 194 —id quod a Democrito et Platone in scriptis relictum esse dicunt—sine inflammatione animorum exsistere posse et sine

1. *at idem* ς Ell. KSH. *ut idem* vulg. *utilem AEH.* 3. *cum* Lamb. Ell. cum codd. opt. (*quom*): legebatur *quem.* 7. [*recte*] suo iure inclusit Ern. quem sequuntur PKS.

desertus' = that phrase 'senius desertus:' de Nat. D. ii. 3. 7 'ex quo illa (the expressions) ostenta, monstra, portenta, prodigia dicuntur.' Nägelsb. Stil. p. 23. Hence Lambinus's conjecture *illud* is needless.

1. **at**, 'on the other hand.'

3. **cum** or quom may probably be the preposition here as in C. I. L. 34 (the epitaph of L. Cornelius Cn. f. Cn. n. Scipio) 'aetate quom parva posidet hoc saxsum.'

indigem liberum, 'bereft of my children,' not, I think, proleptic as Sorof takes it, so as to include the banishment of Teucer, but referring only to Ajax, or rather to the bereaved condition of Telamon, generally 'childless.' The shorter form of the genitive is quite as common, even in prose writers, as the longer form, except in the legal phrase, 'ius trium liberorum:' cp. Neue, i². 103, 104.

4. **fratris necis**, sc. 'memor fuisti,' or some similar expression.

5. **gnati**, sc. Eurysaces, the young son of Ajax by Tecmessa, a princess of Phrygia, whom he had captured and made his mistress during the course of the Trojan war. For the scansion 'nĕque ĕius' cp. Lachmann, Lucr. p. 161. Ell. wrongly lengthens 'nec' and makes 'eius' a monosyllable.

est traditus: cp. Soph. Aj. 562 τοῖον πυλωρὸν φύλακα Τεῦκρον ἀμφί σοι | λείψω τροφῆς ἄοκνον ἔμπα, κεἰ τανῦν | τηλωπὸς οἰχνεῖ, δυσμενῶν θήραν ἔχων.

6. **cotidie**, in practice, I suppose: there was no such thing as a regular theatre open daily at Rome. It may however refer to the repetition of the same play several times during games which lasted over several days.

7. **[recte]** is rightly rejected as a worse than otiose gloss (which spoils the comparison with the poet) by all editors since Ernesti, except Ell., who accepts Matthiae's defence of it, but this ignores the point: in spite of the familiarity arising from daily repetition, the actor could not deliver this passage without really feeling its pathetic character himself.

quid: cp. i. 17. 79 (note); iii. 9. 34; de Nat. D. i. 27. 78 'quid censes, si ratio esset in beluis, non suo quasque generi plurimum tributuras fuisse?' Holden on de Off. ii. 7. 25; Kühner, ii. 998. It is erroneous to write 'quid? Pacuvium,' with Ell. and earlier editors.

10. **Democrito**: cp. Hor. A. P. 'excludit sanos Helicone poetas Democritus:' de Div. i. 37. 80 'negat enim sine furore Democritus quemquam poetam magnum esse posse, quod idem dicit Plato:' and Plat. Phaedr. 245 A ὃς δ' ἄνευ μανίας Μουσῶν ἐπὶ ποιητικὰς θύρας ἀφίκηται, πεισθεὶς ὡς ἄρα ἐκ τέχνης ἱκανὸς ποιητὴς ἐσόμενος, ἀτελὴς αὐτός τε καὶ ἡ ποίησις ὑπὸ τῆς τῶν μαινομένων ἡ τοῦ σωφρονοῦντος ἠφανίσθη; Meno, 99 C; Ion, 533 E ff.

11. **et sine quodam adflatu quasi furoris**, i. e. 'without a kind of inspired frenzy:' *et* is explanatory; cp. Reid on pro Arch. 8. 18: we find also *instinctus* (Tusc. D. i. 26. 64 'sine caelesti aliquo mentis instinctu,' coupled with *adflatus* in de Div. i. 6. 12 'instinctu divinoque adflatu'), and *concitatio* (de Div. ii. 11. 27 'c. mentis') as equivalent to our 'inspi-

47 quodam adflatu quasi furoris. Qua re nolite existimare me ipsum, qui non heroum veteres casus fictosque luctus velim imitari atque adumbrare dicendo neque actor sim alienae personae, sed auctor meae, cum mihi M'. Aquilius in civitate retinendus esset, quae in illa causa peroranda fecerim, sine magno
195 dolore fecisse: quem enim ego consulem fuisse, imperatorem ornatum a senatu, ovantem in Capitolium ascendisse meminissem, hunc cum adflictum, debilitatum, maerentem, in summum discrimen adductum viderem, non prius sum conatus misericordiam aliis commovere, quam misericordia sum ipse captus. Sensi equidem tum magno opere moveri iudices, cum excitavi maestum ac sordidatum senem et cum ista feci, quae tu, Crasse, laudas, non arte, de qua quid loquar nescio, sed motu magno animi ac
196 dolore, ut discinderem tunicam, ut cicatrices ostenderem. Cum C. Marius maerorem orationis meae praesens ac sedens multum

ration.' For *furor* cp. de Div. i. 31. 66 'si exarsit acrius [ea praesagitio], furor appellatur, cum a corpore animus abstractus divino instinctu concitatur.'

2. **velim . . . sim**, restored by Ell. from the good MSS. for the older reading *vellem . . . essem*: the relative introduces a general statement, not one bearing upon the particular case only, 'desiring as I do.'

3. **actor . . . auctor**, 'acting . . . maintaining:' cp. Nägelsb. Stil. p. 175. For the combination cp. pro Sest. 28. 61 'dux, auctor, actor rerum illarum fuit.' But the meaning of *auctor* here is more like that in pro Planc. 13. 22 'maximarum societatum auctor' a champion, representative.

6. **fecisse**, an exception to the general rule for the construction of 'memini,' because Antonius remembered the fact that he had been, not his being, consul: Roby, § 1372.

7. **ornatum**, by the decree which conferred the right of 'ovatio.'

ovantem, not 'triumphantem,' because his victories had been gained in a servile war. Mommsen, Röm. St. i. 111, who refers to Athenaeus, v. 213 b.

ascendisse, on foot, or according to others on horseback (Gell. v. 6. 27), not, as in a triumph, in the gilded 'quadriga.'

12. **sordidatum**, 'in the dress of mourning,' as usual with a 'reus:' cp. Liv. iii. 47 'Verginius sordidatus filiam secum obsoleta veste in forum deducit.' Becker (Gallus, iii. 154) holds that 'sordidatus' is in no case to be understood of dirty raiment, but means for senators the adoption of the 'clavus angustus,' for equites the adoption of the plain tunic, for private persons, the 'toga pulla.' But these more formal expressions of grief would doubtless be accompanied with a generally neglected appearance. We have 'squalore et sordibus' in pro Mur. 40. 86, and pro Cluent. 6. 18, where see Ramsay's note. It may be noted that 'sordidus' contains the same root as our 'swart,' German 'schwarz;' Corssen, i. 314; ii. 64; Vaniček, Wtb. p. 1228.

laudas, § 127.

13. **non arte**: Quintilian (vi. 1. 37–49) well points out the danger of such devices becoming ridiculous if over-elaborated.

14. **ut discinderem**, 'tearing open,' explanatory of *ista*: Madvig, § 374; Roby, § 1700.

15. **praesens ac sedens**, a kind of technical expression for the position of the 'advocati,' who were present to lend their countenance and support to the accused: 'in court and supporting him.' Pid.'s instances are not parallel, referring either to the *iudices* (§ 245) or to the assessors to the president of the court. But cp. pro S. Rosc. 1. 1 'credo ego vos, iudices, mirari, quid sit, quod, cum tot summi oratores hominesque nobilissimi sedeant, ego potissimum surrexerim, qui neque aetate neque ingenio, neque auctoritate sim cum his qui sedeant comparandus,' with Landgraf's note. Aquilius had been colleague of Marius in his fifth consulship, B.C. 101.

lacrimis suis adiuvaret cumque ego illum crebro appellans conlegam ei suum commendarem atque ipsum advocatum ad communem imperatorum fortunam defendendam invocarem, non fuit haec sine meis lacrimis, non sine dolore [magno] miseratio omniumque deorum et hominum et civium et sociorum imploratio; quibus omnibus verbis, quae a me tum sunt habita, si dolor afuisset meus, non modo non miserabilis, sed etiam inridenda fuisset oratio mea. Quam ob rem hoc vos doceo, Sulpici, bonus ego videlicet atque eruditus magister, ut in dicendo irasci, ut dolere, ut flere possitis. Quamquam te quidem quid hoc 197
doceam, qui in accusando sodali meo tantum incendium non oratione solum, sed etiam multo magis vi et dolore et ardore animi concitaras, ut ego ad id restinguendum vix conarer accedere? Habueras enim tu omnia in causa superiora: vim, fugam, lapidationem, crudelitatem tribuniciam in Caepionis gravi miserabilique casu in iudicium vocabas; deinde principem et senatus et civitatis, M. Aemilium, lapide percussum esse constabat; vi pulsum e templo L. Cottam et T. Didium, cum intercedere

4. [*magno*] om. *M*: incl. K. 9. *ut in dicendo*: parum recte suspicatur K. ante haec verba excidisse *enitendum esse.* 11. *sodali*: ω PASH: *sodali et quaestore* vulg. 16. *deinde* et *et* om. *B*, incl. K.

2. **suum**: Roby, § 2265, and below, § 273.

4. **miseratio**. *A* here has *sine rati*, whence *B* gives *sine ratione*, a striking instance of the way in which corruptions arise in later MSS.

9. **videlicet**, to point the irony with which Antonius speaks of himself as a 'bonus et eruditus magister,' the very character which he has been disclaiming throughout.

11. **sodali**, i.e. Norbanus. The quaestor was always regarded as holding a specially close relation to the superior magistrate under whom he served, a relic probably of the times at which consuls and quaestors were the only magistrates of the state, and the latter were the chief assistants of the former (Mommsen, Röm. St. ii. 504). See Introd. p. 15. The gloss [et quaestore] is found in no good MS. and is doubtless spurious.

12. **oratione**, i.e. by the language used: **vi**, 'passion.'

14. **omnia superiora**, 'everything in your favour.'

16. **principem**: this goes to confirm Mommsen's view of the real meaning of the title *Princeps*, as assumed by the Emperors. Cp. Röm. St. ii. p. 734. Pelham in Journal of Philology, viii. 323 ff.

18. **templo**, 'a consecrated spot:' i.e. the *rostra*: cp. Liv. viii. 14. 12 'naves Antiatium partim in navalia Romae subductae partim incensae, rostrisque earum suggestum in foro extructum adornari placuit: rostraque id templum appellatum;' ib. ii. 56. 10 'occupant tribuni templum postero die;' iii. 17. 1 'P. Valerius . . . se ex curia proripit, inde in templum ad tribunos venit.' Cic. in Vat. 10. 24 'cum Vettium . . . in rostris, in illo augurato templo ac loco collocaris,' pro Sest. 35. 70; 42. 90 (Holden). Varro, de Ling. Lat. vii. 8 (p. 119, Müll.) defines 'templum' to be 'omnem locum augurii aut auspicii causa quibusdam conceptis verbis finitum.'

L. Aurelium Cottam, mentioned also in iii. 11. 42; 12. 46. He must have been trib. pleb. in 103, if Mommsen's view (iii. 186) of the date of the prosecution of Caepio is correct; and this view is confirmed by the fact that T. Didius was consul in 98. The *rogatio* was that of Saturninus, supported by

48 vellent rogationi, nemo poterat negare. Accedebat, ut haec tu
198 adulescens pro re publica queri summa cum dignitate existimarere; ego, homo censorius, vix satis honeste viderer seditiosum civem et in hominis consularis calamitate crudelem posse defendere. Erant optimi cives iudices, bonorum virorum plenum forum, vix ut mihi tenuis quaedam venia daretur excusationis, quod tamen eum defenderem, qui mihi quaestor fuisset. Hic ego quid dicam me artem aliquam adhibuisse? Quid fecerim, narrabo; si placuerit, vos meam defensionem in aliquo artis loco
199 reponetis. Omnium seditionum genera, vitia, pericula conlegi eamque orationem ex omni rei publicae nostrae temporum varietate repetivi conclusique ita, ut dicerem, etsi omnes semper molestae seditiones fuissent, iustas tamen fuisse non nullas et prope necessarias. Tum illa, quae modo Crassus commemorabat, egi: neque reges ex hac civitate exigi neque tribunos plebis creari neque plebiscitis totiens consularem potestatem minui neque provocationem, patronam illam civitatis ac vindicem libertatis, populo Romano dari sine nobilium dissensione potuisse; ac, si illae seditiones saluti huic civitati fuissent, non continuo, si

7. *quaestor* ς edd.: *legatus M.* 10. *seditionum* om. *M.*

Norbanus (Introd. p. 10), the *lex Appuleia* of § 201. Sorof, ignoring Mommsen's arguments, is in error here. Cp. Ihne, v. 221.

1. **Accedebat, ut,** etc.: the difference between this construction (for which cp. Dräger, Hist. Synt. ii. 231 ff.), and the more usual 'accedit quod' is discussed by Kühner, Ausf. Gr. ii. 837; (cp. also his note on Tusc. D. i. 19. 43, and Reid on de Sen. 6. 16). The latter states a fact merely as such: the former represents it as consequent upon or closely connected with some preceding fact.

3. **vix satis honeste viderer,** etc. A good instance of the usual preference of the personal over the impersonal construction. Kühner, ii. 520 ff. We must adopt the latter in translation, 'it seemed hardly possible for me honourably to defend.'

5. **iudices,** at this time equites, the lex Sempronia of Gaius Gracchus being then in force. See § 199, ad fin.

6. **venia excusationis,** 'indulgence for my urging the plea.'

7. **tamen,** 'after all:' i. 47. 205 (note).

9. **in aliquo artis loco reponetis,** 'you shall find some place in your theory for,' etc.

10. **omnium seditionum genera,** 'the various classes into which all disturbances may be divided.' It is quite needless with Schütz to read 'omnia.'

16. **consularem potestatem minui.** Ellendt justly points out that Antonius is perverting history for his own purpose. The limitations of the power of the consul were due to the desire of the patricians to reserve some powers exclusively for themselves; as is plain from the account of the institution of the praetorship and the censorship: Liv. iv. 8. 5. See however Mommsen's differing view in Röm. St.[2] ii. 324. Cic. is here speaking with a certain vagueness. It would not be easy to point to *plebiscita* passed after a seditio which limited the powers of the consuls. This can hardly be said of the plebiscitum of B.C. 342.

17. **provocationem:** according to Mommsen, this was a matter of royal grace at first, and was established as a right upon the establishment of the republic. Hist. i. 67, 83, 159, 450.

quis motus populi factus esset, id C. Norbano in nefario crimine atque in fraude capitali esse ponendum. Quodsi umquam populo Romano concessum esset, ut iure incitatus videretur, id quod docebam saepe esse concessum, nullam illa causa iustiorem fuisse. Tum omnem orationem traduxi et converti in increpandam Caepionis fugam, in deplorandum interitum exercitus: sic et eorum dolorem, qui lugebant suos, oratione refricabam et animos equitum Romanorum, apud quos tum iudices causa agebatur, ad Q. Caepionis odium, *a* quo erant ipsi propter iudicia abalienati, renovabam. Quod ubi sensi me in possessionem **49** 200 iudicii ac defensionis meae constitisse, quod et populi benevolentiam mihi conciliaram, cuius ius etiam cum seditionis coniunctione defenderam, et iudicum animos totos vel calamitate civitatis vel luctu ac desiderio propinquorum vel odio proprio in Caepionem ad causam nostram converteram, tum admiscēre huic generi orationis vehementi atque atroci genus illud alterum, de quo ante disputavi, lenitatis et mansuetudinis coepi: me pro meo sodali, qui mihi in liberum loco more maiorum esse deberet, et

1. *in nefario crimine atque*: om. M^2. incl. K: *in nefario crimine* om. M^1 (legitur tamen *atque*). 8. *iudices* incl. K. 10. *renovabam M. revocabam* E^1: *renovabam atque revocabam* P. vulg.

1. **crimine**, even in Cicero sometimes = 'crime,' as well as 'charge.'

2. **fraude capitali**: cp. pro Rab. Perd. 9. 26 'si fraudem capitalem admisit, quod arma contra L. Saturninum tulit.'

6. **fugam**, from the field of battle, not his exile. Introd. p. 9.

7. **refricabam**, properly of opening a wound that has healed over: cp. de Leg. Agr. iii. 2. 4 'ne refricare obductam iam reipublicae cicatricem viderer:' ad Fam. v. 17. 4 'vereor . . . . ne refricem meis literis desiderium ac dolorem tuum.'

8. **apud quos . . . iudices**, 'who composed the jury before whom,' a common compression.

9. **ad odium renovabam**, 'aroused to fresh hatred.' The editions before Ern. add 'atque revocabam,' which is found in no good MS., except that two have 'revocabam' written above 'renovabam:' hence the origin of the gloss is in this case unusually clear. Caepio had attempted to deprive the *equites* of the *iudicia* and to restore them to the senate; but the attempt broke down (Mommsen, iii. 135). *a* is due to Dr. Reid, and much improves the sense.

10. **in possessionem** [so *AEH*] . . . **constitisse**: this construction, due to a combination of the two notions of motion to, and subsequently rest in, is too well established, here and elsewhere, to be suspected. Cp. Halm on Div. in Caec. 20. 66 'nationibus quae in amicitiam populi Romani dicionemque essent.' Gellius (i. 7. 16) read 'in praedonum fuisse potestatem sciatis' in de Imp. Cic. Pomp. 12. 33 which Kayser (but not Halm) retains. Madvig, Em. Liv. p. 8 (cp. p. 312), strongly protests against this last reading. He argues that the confusion between acc. and abl. is never found, except when they differ only by the final letter.

Quod, introductory: strictly speaking a relative, the object of 'sensi,' explained by 'me constitisse.' Roby, § 2209.

11. **iudicii** = 'court.' When I saw that I had gained a hold over the court and of my own line of defence.

12. **cum seditionis coniunctione** = 'cum coniunctum esset cum seditione.'

18. **in liberum loco**: cp. Introd. p. 15, with the references there (ad Fam. iii. should be xiii). For *liberi* used of one

pro mea omni fama prope fortunisque decernere; nihil mihi ad
existimationem turpius, nihil ad dolorem acerbius accidere posse,
quam si is, qui saepe alienissimis a me, sed meis tamen civibus
saluti existimarer fuisse, sodali meo auxilium ferre non potuis-
201 sem. Petebam a iudicibus, ut illud aetati meae, ut honoribus, ut
rebus gestis, si iusto, si pio dolore me esse adfectum viderent,
concederent; praesertim si in aliis causis intellexissent omnia
me semper pro amicorum periculis, nihil umquam pro me ipso
deprecatum. Sic in illa omni defensione atque causa, quod esse
in arte positum videbatur, ut de lege Appuleia dicerem, ut quid
esset minuere maiestatem explicarem, perquam breviter per-
strinxi atque attigi; his duabus partibus orationis, quarum altera
commendationem habet, altera concitationem, quae minime
praeceptis artium sunt perpolitae, omnis est a me illa causa
tractata, ut et acerrimus in Caepionis invidia renovanda et in
meis moribus erga meos necessarios declarandis mansuetissimus
viderer: ita magis adfectis animis iudicum quam doctis, tua,
50 Sulpici, est a nobis tum accusatio victa.' Hic Sulpicius, 'vere
202 hercle,' inquit 'Antoni, ista commemoras; nam ego nihil um-
quam vidi, quod tam e manibus elaberetur, quam mihi tum est
elapsa illa ipsa causa. Cum enim, quem ad modum dixisti, tibi ego
non iudicium, sed incendium tradidissem, quod tuum principium,

21. *causa* om. *M*: *ipsa* incl. S.

child, cp. ad Fam. iv. 5. 3 'at vero malum est liberos amittere' (of Tullia), and still more plainly just before 'generum deligere, cuius fidei liberos tuos te tuto committere putares.' In Cat. i. 2. 4 'occisus est cum liberis M. Fulvius' is not an instance in point, though sometimes quoted as such; for two sons of Fulvius were killed, though not at the same time and place: but de Prov. Cons. 14, 35 is: 'si ad iucundissimos liberos, si ad clarissimum generum redire properaret,' for Caesar had only one child, Julia.

1. **ad existimationem,** 'in respect of my reputation:' cp. i. 25, 113 'ad memoriam firmi atque diuturni:' in Cat. i. 5. 12 'ad severitatem lenius' (with Halm's note).

5. **illud,** i.e. 'si iusto dolore me esse adfectum viderent.'

7. **concederent** = 'condonarent': cp. pro Cluent. 69, 195 'multi saepe peccata liberum parentum misericordiae concesserunt: vos ne huius honestissime actam vitam matris crudelitati condonetis, rogamus.'

9. **deprecatum**: here doubtless in its more usual, but by no means invariable meaning, of entreating that a thing may not be done. There is an interesting discussion of the word in Gellius, vii. 16.

quod esse in arte positum videbatur, 'what seemed to come within the sphere of the theory of rhetoric.'

10. **ut ... explicarem,** like **ut ... dicerem,** explanatory, not final.

12. **partibus,** abl. instrum. Translate: 'the two divisions of oratory ... were used by me in dealing with the whole of that case.'

16. **erga,** etc., quoted by Draeger, Hist. Synt. § 263, 4 as a solitary instance in Cic. of this force of *erga,* which is so common in later Latin.

di immortales, fuit! qui timor! quae dubitatio, quanta haesitatio tractusque verborum! Ut tu illud initio, quod tibi unum ad ignoscendum homines dabant, tenuisti, te pro homine pernecessario, quaestore tuo, dicere! Quam tibi primum munisti ad te audiendum viam. Ecce autem, cum te nihil aliud profecisse 203
arbitrarer, nisi ut homines tibi civem improbum defendenti ignoscendum propter necessitudinem arbitrarentur, serpere occulte coepisti, nihildum aliis suspicantibus, me vero iam pertimescente, ut illam non Norbani seditionem, sed populi Romani iracundiam neque eam iniustam, sed meritam ac debitam fuisse defenderes. Deinde qui locus a te praetermissus est in Caepionem? Ut tu illa omnia odio, invidia, misericordia miscuisti! Neque haec solum in defensione, sed etiam in Scauro ceterisque meis testibus, quorum testimonia non refellendo, sed ad eundem impetum populi confugiendo refutasti; quae cum 204
abs te modo commemorarentur, equidem nulla praecepta desiderabam; ipsam tamen istam demonstrationem defensionum

1. *quanta haesitatio*: om. *M*: incl. K (Iam antea scripsit Ell. 'non multum absum quin haec delenda censeam, cum absint ab optimis). 2. *tu illud M.* 17. *demonstrationem . . . commemoratam*: om. *M.* *abs te ipso commemoratam* incl. KSH.

2. **tractus verborum**, explanatory of *haesitatio*, 'slow-delivery:' cp. § 54 and Ernesti, Lex. Techn. p. 399.

unum ad ignoscendum, 'the only excusable point.' Roby, § 1377: cp. § 190, and Nägelsb. pp. 194, 341, who points out that this is the classical way of expressing *ignoscibile*, which does not occur before Gellius.

4. **Quam munisti ad te audiendum viam**, 'thus you paved the way to secure a hearing.'

7. **necessitudinem**, 'your official connexion with him.'

9. **ut defenderes**, final, depending upon 'serpere,' 'to contend.'

illam, attracted into the gender of the predicate: Roby, § 1068.

11. **locus**, sc. 'communis,' 'topic.' Quintilian (ii. 1. 11; v. 12. 15) treats of the 'loci in vitia directi.'

in Caepionem, 'telling against C.'

12. **miscuisti**, i. 51. 220 (note).

14. **refellendo**, 'by refuting them,' i.e. by bringing evidence in disproof of theirs.

15. **refutasti**, 'rebutted.' The word is used as synonymous with *repellere* by Cicero de Prov. Cons. 13. 32 'bellum Gallicum C. Caesare imperatore gestum est, antea tantummodo repulsum. Semper illas nationes nostri imperatores refutandas potius bello quam lacessendas putaverunt.' Cp. de Har. Resp. 7 'si in me impetum facere conabitur resistam, et eius conatum refutabo.' And this seems to have been the primary meaning of the word; in Cicero it takes the place of 'refundere,' which is only once used by him, and is not common except in Vergil, and later prose.—Antonius admitted the facts, to which Scaurus and the rest deposed, but ascribed to them a different character from that which Sulpicius wished to attach to them.

17. **demonstrationem defensionum tuarum**, 'the statement of your lines of defence.' Nägelsb. p. 158. The suspicions of Ellendt and Kühner do not seem well-founded as far as these words are concerned; the omission of 'demonstrationem . . . commemoratam' in the *codd. mutili* is probably due to the eye of the copyist passing from *istam* to *-atam*. But the last four words are suspicious: 'abs te ipso' are, as Ell. says, 'nimis inepta.'

tuarum [abs te ipso commemoratam] doctrinam esse non mediocrem puto.'

'Atqui, si ita placet,' inquit Antonius 'trademus etiam, quae nos sequi in dicendo quaeque maxime spectare solemus; docuit enim iam nos longa vita ususque rerum maximarum, ut quibus
51 rebus animi hominum moverentur teneremus. Equidem primum
205 considerare soleo, postuletne causa; nam neque parvis in rebus adhibendae sunt hae dicendi faces neque ita animatis hominibus, ut nihil ad eorum mentis oratione flectendas proficere possimus, ne aut inrisione aut odio digni putemur, si aut tragoedias agamus in nugis aut convellere adoriamur ea, quae non possint commo-
206 veri. Iam quoniam haec fere maxime sunt in iudicum animis aut, quicumque illi erunt, apud quos agemus, oratione molienda, amor odium iracundia, invidia misericordia, spes laetitia, timor molestia: sentimus amorem conciliari, si id iure videamur, quod sit utile ipsis, apud quos agamus, defendere, aut si pro bonis viris

12. *Iam quoniam* SAH secuti Madvigium: *nam quoniam*: ω KP. 15. *in re videamus .... agas M.* Vulgo *id videare . . . agas* legitur. Correxit Fr. 16. *si aut* ω AH. *aut si* KS.

1. **doctrinam non mediocrem,** 'the very best form of teaching.'

3. **Atqui** corrects the words of Sulpicius: 'equidem nulla praecepta desiderabam.'

5. **ut . . . teneremus**: the past impf. is used, because, although *docuit* seems to be a present perfect, the knowledge of Antonius was displayed in speeches now belonging to the past. Cp. Roby, § 1517. For **moverentur** cp. § 8 'exstaret' (note).

7. **postuletne**, i. e., for any attempt to work upon the feelings. [Perhaps *ea* is lost. J. S. R.]

8. **dicendi faces,** 'fiery language:' iii. 1. 4 'verborum faces.'

10. **tragoedias**: i. 51. 219 (note).

11. **convellere ea,** etc., i. e. to remove deeply-rooted prejudices, by appeals to the emotions, which must fail with a hostile audience.

adoriamur: there is no need for Drakenborch's proposed correction (ad Liv. xxxv. 51. 8) 'adordiamur:' which has no authority in any good writer; *adoriri* with inf. is as legitimate as *aggredi* (de Off. ii. 1. 1), and is by no means uncommon: Tac. Agr. 25 'oppugnare ultro castella adorti,' Verg. Aen. vi. 397 'thalamo deducere adorti,' Catull. lxiii. 11 'canere haec suis adorta . . . comitibus,' and many passages in Livy, which Drak. needlessly alters. For the difference between the two words cp. Donat. ad Ter. Ad. iii. 3. 50 'aggredimur de longinquo; adorimur ex insidiis et ex proximo.'

12. **Iam**: this correction of Madvig's, adopted first by Henrichsen, is necessary, for there is no explanation or defence of a previous statement, but a transition to the more detailed treatment of the subject, for which *iam* is the usual introductory particle = 'now:' cp. de Nat. D. i. 12, 30 'iam de Platonis inconstantia longum est dicere.' In the rapid sketch which is added, Cicero closely follows Aristotle, Rhet. ii. 1 ff.

14. **amor odium**: the emotions to be excited are arranged as pairs, 'iracundia' standing by itself as the natural expression of 'odium.' In the more detailed treatment of them the same order is not preserved: 'amor,' § 206; 'odium,' § 208; 'spes, laetitia,' 'timor, molestia,' § 209; 'invidia,' § 209; 'misericordia,' § 211.

15. **molestia** = ἀνία, 'vexation:' for the short vowel of 'mŏlestus' as compared with 'mōles,' cp. Munro on Lucr. iii. 504.

16. **aut si pro bonis**: I do not now

aut certe pro eis, qui illis boni atque utiles sint, laborare, namque
haec res amorem magis conciliat, illa virtutis defensio caritatem;
plusque proficit, si proponitur spes utilitatis futurae quam prae-
teriti beneficii commemoratio. Enitendum est, ut ostendas in ea 207
re, quam defendas, aut dignitatem inesse aut utilitatem, eum-
que, cui concilies hunc amorem, significes nihil ad utilitatem
suam rettulisse ac nihil omnino fecisse causa sua; invidetur enim
commodis hominum ipsorum, studiis autem eorum ceteris com-
modandi favetur. Videndumque hoc loco est, ne, quos ob 208
benefacta diligi volemus, eorum laudem atque gloriam, cui
maxime invideri solet, nimis efferre videamur; atque eisdem his
ex locis et in alios odium struere discemus et a nobis ac nostris
demovere; eademque haec genera sunt tractanda in iracundia
vel excitanda vel sedanda; nam si, quod ipsis, qui audiunt, per-
niciosum aut inutile sit, id factum augeas, odium creatur; sin,
quod aut in bonos viros aut in eos, quos minime quisque debuerit,
aut in rem publicam, tum excitatur, si non tam acerbum odium,
tamen aut invidiae aut odii non dissimilis offensio; item timor 209
incutitur aut ex ipsorum periculis aut ex communibus: interior

5. *inesse* S : *esse M*K. 16. *quos minime* ω S : *in quos minime* KP.

think that the order of the MSS. can be defended (with Adler), by regarding the 'utile ipsis, apud quos agas' as subdivided for the present purpose into the two; 'si (1) aut pro bonis viris, (2) aut certe pro eis qui illis boni atque utiles sint laborare videaris.' This way of viewing the sentence allows us to take 'haec res,' as the latter, and 'illa virtutis defensio,' the former. But it does not remove the difficulty of seeing why working for those who are held to be good, as distinguished from those who are so, should give rise to *amor*, which applies much better to the first clause. It is possible however that *aut* was misplaced by Cicero. Cp. Reid on Acad. ii. 69.

1. **illis**, 'in the eyes of your audience.'

2. **caritatem**, 'esteem:' a love arising from high regard. Cp. Part. Or. 16. 56 'nam aut caritate moventur homines, ut deorum, ut patriae, ut parentum, aut amore, ut fratrum, ut coniugum, ut liberorum, ut familiarium.' Trebon. apud Cic. Fam. xii. 16. 2 'cui nos et caritate et amore tuum officium praestaturos non debes dubitare.'

6. **nihil rettulisse**, etc., 'has not kept his own interests in view at all:' *referre* (so *dirigere*, *revocare*) *ad*, like *metiri* c. abl. 'to make a thing the standard;' a phrase very common in Cicero, especially in the philosophical works. Cp. Reid on Lael. 9. 32.

8. **commodandi**, often used absolutely with the dative, especially in Cicero's letters (not in the orations): cp. de Fin. ii. 35. 117 'si tuam ob causam cuiquam commodes;' Nonius (p. 275 M) quotes 'M. Tullius ad filium Lib. ii.: cui ego, quibuscunque rebus potero, libentissime commodabo.'

13. **genera**, 'general heads,' practically equivalent to the *loci*.

15. **sin, quod aut**, i.e. 'sin augeas id quod factum sit,' etc.

16. **in eos, quos**: i.e. *in quos*. For the omission of the preposition cp. Boot on ad Att. iii. 19. 2 'me tuae litterae numquam in tantam spem adduxerunt, quantam aliorum;' Madvig on de Fin. i. 15. 49 'in eadem causa sunt qua antequam nati.' Holder on de Off. i. 36. 102 'alia in causa M. Cato erat, alia ceteri.' The fullest collection of examples is given by Otto Exc. viii. on Cic. de Fin.

19. **interior est**, 'penetrates more deeply,' i.e. 'touches us more closely.'

est ille proprius ; sed hic quoque communis ad eandem similitu-
52 dinem est perducendus. Par atque una ratio est spei, laetitiae, molestiae ; sed haud sciam an acerrimus longe sit omnium motus invidiae nec minus virium opus sit in ea comprimenda quam in excitanda. Invident autem homines maxime paribus aut inferioribus, cum se relictos sentiunt, illos autem dolent evolasse ; sed etiam superioribus invidetur saepe vehementer et eo magis, si intolerantius se iactant et aequabilitatem communis iuris praestantia dignitatis aut fortunae suae transeunt ; quae si inflammanda sunt, maxime dicendum est non esse virtute parata, deinde etiam vitiis atque peccatis, tum, si erunt honestiora atque graviora, tamen non esse tanta illa merita, quantam insolentiam
210 hominis quantumque fastidium ; ad sedandum autem, magno illa labore, magnis periculis esse parta nec ad suum commodum, sed ad aliorum esse conlata ; *eum*que, si quam gloriam peperisse videatur, tamenetsi ea non sit iniqua merces periculi, tamen ea non delectari totamque abicere atque deponere ; omninoque perficiendum est, quoniam plerique sunt invidi maximeque hoc est

10. *parata M* Fr. : *parta* ς. 12. *tanta illa* KS : *tanti ulla* ω PH. *quantam insolentiam* SH. *quanta insolentia* ω KP. 15. *quae si quam gloriam peperisse videantur* K (cum Baitero) S. *collata que suam gloriam M*. *eumque si quam . . . videatur* PAH. 16. *videatur* ω.

1. **ad eandem similitudinem**, cp. § 96 (note).

3. **haud sciam an**: cp. § 18 ; i. 60. 255 (note).

5. **paribus**: so Aristotle (Rhet. ii. 10) says *φανερὸν δὲ καὶ οἷς φθονοῦσιν· τοῖς γὰρ ἐγγὺς καὶ χρόνῳ καὶ τόπῳ καὶ ἡλικίᾳ καὶ δόξῃ φθονοῦσιν*. The 'inferioribus,' by which of course he means those who have been previously in an inferior position, is an acute addition of Cicero's own ; some of the editors have strangely stumbled at this.

6. **evolasse**, 'to have outstripped them in the race.'

8. **aequabilitatem communis iuris**, 'the equitable rights common to all,' i. 42. 188 (note).

9. **quae si inflammanda sunt**, 'if these advantages are to be dealt with so as to excite envy,' by means of the 'faces dicendi.' For 'inflammare' in this pregnant sense cp. Or. 28. 99 'non praeparatis auribus inflammare rem.'

10. **maxime** = *μάλιστα μέν*, 'if possible,' as the best course : cp. pro Caec. 9. 23 'maxime fuit optandum Caecinae ut controversiae nihil haberet, secundo loco, ut ne cum tam improbo homine, tertio ut cum tam stulto haberet.'

parata may very probably be right here, in spite of *parta* and *peperisse* just below : cp. Sall. Jug. 10 'amici quos neque armis cogere neque auro parare queas : officiis et fide pariuntur,' and 31. 17 'maius dedecus est parta amittere, quam omnino non paravisse.'

12. **tanta**: it is hardly possible to retain the MS. reading *tanti* followed by *quantam*.

quantam insolentiam: this correction of the MS. 'quanta insolentia' brings the construction into accordance with Cicero's practice : cp. Tusc. D. i. 17. 39 'Platonem ferunt . . . non solum sensisse idem quod Pythagoram, sed rationem etiam attulisse' (with Kühner's note) ; de Fin. iv. 20. 56 'negatque Platonem, si sapiens non sit, eadem esse in causa, qua tyrannum Dionysium.'

13. **ad sedandum autem**, sc. 'dicendum est.'

15. *eum***que, si quam**: this seems the best way of correcting the reading of *M*.

commune vitium et perpetuum, invidetur autem praestanti florentique fortunae, ut haec opinio minuatur et illa excellens opinione fortuna cum laboribus et miseriis permixta videatur. Iam 211
misericordia movetur, si is, qui audit, adduci potest, ut illa, quae de altero deplorentur, ad suas res revocet, quas aut tulerit acerbas aut timeat, ut intuens alium crebro ad se ipsum revertatur; et cum singuli casus humanarum miseriarum graviter accipiuntur, si dicuntur dolenter, tum adflicta et prostrata virtus maxime luctuosa est.

Et ut illa altera pars orationis, quae probitatis commendatione boni viri debet speciem tueri, lenis, ut saepe iam dixi, atque summissa, sic haec, quae suscipitur ab oratore ad commutandos animos atque omni ratione flectendos, intenta ac vehemens esse debet; sed est quaedam in his duobus generibus, quorum alte- 53
rum lene, alterum vehemens esse volumus, difficilis ad distin- 212
guendum similitudo; nam et ex illa lenitate, qua conciliamur eis, qui audiunt, ad hanc vim acerrimam, qua eosdem excitamus, influat oportet aliquid, et ex hac vi non numquam animi aliquid inflandum est illi lenitati; neque est ulla temperatior oratio quam illa, in qua asperitas contentionis

3. *videatur MKS.* *esse videatur* P. 7. *et cum MK*: *ita cum* ς PSH. 10. *Et ut illa* ς PS.: *ut* autem *illa* K. *ut illa M.* 19. *inflandum est* KPH: *infundendum est* S auctore Lambino: *inflammandum est M*: *influendum* ς.

1. **perpetuum**, 'universal,' extending over all without break or exception. Cp. § 141 'perpetuum ius.'

2. **excellens opinione**, 'which is supposed to be so preeminent,' as in § 101: cp. Liv. xxxiii. 28 'opinione omnium' = as all expected.

3. **Iam**, 'finally.' The definition of the source of pity closely follows Aristotle's (Rhet. ii. 8) ἔστω δὴ ἔλεος λύπη τις ἐπὶ φαινομένῳ κακῷ φθαρτικῷ καὶ λυπηρῷ τοῦ ἀναξίου τυγχάνειν, ὃ κἂν αὐτὸς προσδοκήσειεν ἂν παθεῖν ἢ τῶν αὑτοῦ τινα.

8. **adflicta et prostrata**, one of Cicero's very common pairs of synonyms.

10. **probitatis commendatione**: i. 26. 122.

11. **lenis**, sc. 'esse debet.'

13. **intenta** and **vehemens** correspond chiastically to *lenis* and *summissa* (§ 103). **intenta**, 'high-spirited.'

18. **influat oportet**, etc. Nägelsb. § 132 well discusses the metaphors of flowing and the like. We may translate; 'for while the gentleness, by which we are recommended to our audience, must contribute something of its own character to the strong passion with which we arouse them, so this passion must sometimes breathe some of its own fire into that gentleness.' It is a serious objection to Kayser's reading, first printed by Melanchthon, that *inflare* seems to be never used with an acc. of the thing in-breathed, but only of the thing which is 'puffed up' by the in-breathing: *infundendum* is free from this objection: we might also suggest *inferendum*: *adflandum* (J. S. R.) would find some support from § 194.

20. **temperatior**, 'better tempered:' a metaphor from strong wine, which needs to be softened by the admixture of water.

contentionis = 'energy;' cp. ad Her. iii. 13. 23 'contentio est oratio acris et ad confirmandum et ad confutandum accommodata.'

oratoris ipsius humanitate conditur, remissio autem lenitatis
213 quadam gravitate et contentione firmatur. In utroque autem genere dicendi et illo, in quo vis atque contentio quaeritur, et hoc, quod ad vitam et mores adcommodatur, et principia tarda [sint] et exitus item spissi et producti esse debent. Nam neque adsiliendum statim est ad genus illud orationis; abest enim totum a causa et homines prius ipsum illud, quod proprium sui iudicii est, audire desiderant; nec cum in eam rationem
214 ingressus sis, celeriter discedendum est; non enim, sicut argumentum, simul atque positum est, adripitur alterumque et tertium poscitur, ita misericordiam aut invidiam aut iracundiam, simul atque intuleris, possis commovere: argumentum ratio ipsa confirmat idque, simul atque emissum est, adhaerescit; illud autem genus orationis non cognitionem iudicis, sed magis perturbationem requirit, quam consequi nisi multa et varia et
215 copiosa oratione et simili contentione actionis nemo potest; quare qui aut breviter aut summisse dicunt, docere iudicem possunt, commovere non possunt; in quo sunt omnia.

5. *sint* PSH: *sunt* ω: incl. Pearcio auctore Ell. K etc. *item* KS: *tamen* ς *A*P om. *HE*. 11. *item M* Str. 13. *idque* S, *atque* K, *quae . . . emissa* ω P. 14. *cognitionem* ω: *cogitationem* Madv. Adv. Crit. iii. 91. 16. *simili*: *simul* maluit Reid.

1. **humanitate**, 'kindly character.'

conditur here 'is mellowed:' cp. *conditior* in § 227, and Or. 55. 185 'omnino duo sunt, quae condiant orationem, verborum numerorumque iucunditas.'

remissio lenitatis, 'the lower tone of a quiet gentle delivery.' Nägelsb. p. 128.

4. **ad vitam et mores**, i.e. to produce a favourable impression of one's life and character: the *conciliatio*.

5. **item**: so Lambinus corrected the reading of most MSS. 'tamen,' which is out of place here; for it is not natural to suppose that because the beginning is slow, the end must be rapid; hence an adversative particle is not required. Madvig suggested 'etiam.' But perhaps the word should be omitted altogether with *HE*.

spissi, 'slow:' cp. ad Att. x. 18. 2 'ita omnia tarda adhuc et spissa.' Nonius (p. 392 M) says 'spissum significat tardum,' and quotes ten passages, besides this, from early writers: e.g. 'Naevius Gymnastico "at enim tu nimis spisse atque tarde incedis."' So Brut. 36. 138 'cum spisse atque vix ad Antonium pervenimus.'

6. **adsiliendum**: we should say 'burst into.' [Cp. Stat. Silv. v. praef. 'ego tamen huic operi non ut unus e turba nec tamen quasi officiosus adsilui' J. S. R.]

abest a causa, 'it is foreign to the case.' The πάθος and ἦθος do not concern the point at issue.

7. **proprium sui iudicii est**, 'comes strictly within their cognizance.'

8. **rationem**, 'line.'

10. **adripitur**, 'is caught up,' i.e. apprehended by the 'ratio audientium.'

12. **intuleris**, sc. any of these emotions: 'as soon as you have struck that note.'

possis, Roby, § 1544. **ratio ipsa**, 'the reflexion of the hearers.'

16. **simili contentione actionis**, 'a corresponding energy of delivery.'

18. **in quo sunt omnia**, 'and everything depends upon this:' i. 14. 60; Or. 21. 69 'id unum ex omnibus ad obtinendas causas potest plurimum.' So in de Leg. ii. 10. 24 'in quo sunt omnia:' cp. de Sen. 3. 8 (Reid).

Iam illud perspicuum est, omnium rerum in contrarias partis facultatem ex eisdem suppeditari locis. Sed argumento resistendum est aut eis, quae comprobandi eius causa sumuntur, reprehendendis aut demonstrando, id, quod concludere illi velint, non effici ex propositis nec esse consequens, aut, si ita non refellas, adferendum est in contrariam partem, quod sit aut gravius aut aeque grave. Illa autem, quae aut conciliationis causa leniter 216
aut permotionis vehementer aguntur, contrariis commotionibus auferenda sunt, ut odio benevolentia, ut misericordia invidia tollatur.

Suavis autem est et vehementer saepe utilis iocus et facetiae ; 54
quae, etiamsi alia omnia tradi arte possunt, naturae sunt propria certe neque ullam artem desiderant: in quibus tu longe aliis mea sententia, Caesar, excellis ; quo magis mihi etiam aut testis esse potes nullam esse artem salis aut, si qua est, eam tu potissimum nos docere.' 'Ego vero,' inquit 'omni de re facetius 217
puto posse ab homine non inurbano, quam de ipsis facetiis dis-

9. *auferenda* Lg. 20. *ut misericordia M* Fr. H : om. *ut* vulgo. 16. *docere* ω KS. *docebis* P. 16. *facilius . . . esse M* Fr.

1. **Iam**, § 211. Reid on Acad. ii. 132. **omnium rerum facultatem**, 'the power of handling every subject.'

2. **Sed**, etc., but where arguments (not these attempts to work upon the feelings) have been used by your opponent, they must be met, etc.

3. **reprehendendis**, 'by controverting:' § 331.

5. **propositis**, 'premises.'

9. **auferenda**, the easiest correction which will make sense of the reading of *M efferenda*. Madvig (Adv. Crit. iii. 92) suggests *invertenda*, Reid *everrenda*: the old reading was *inferenda*.

§§ 217–234. *Antonius requests Caesar to discourse upon wit. He replies that nothing is more difficult, for wit, in both its two main divisions, is a natural gift, and cannot be taught. He shows its great effect by several illustrations from speeches by Crassus, and praises the self-control shown by this orator in the use of his powers. Then follows a brief conversation, which leads to the conclusion that some rules derived from observation may be given for forming a judgment upon witticisms.*

11. **utilis**, sc. for producing the desired effect upon the judges. Quintil. vi. 3. 1 'virtus quae risum iudicis movendo et illos tristes solvit affectus, et animum ab intentione rerum frequenter avertit, et aliquando etiam reficit, et a satietate vel a fatigatione renovat.'

iocus et facetiae: the terms for the various kinds of wit and humour are not used with any precise consistency by the Roman writers. Even Cicero, who in § 218 makes *cavillatio*, 'banter,' and *dicacitas*, 'wit,' the two subdivisions of *facetiae*, 'jesting' (cp. note on i. 5. 17), in Or. 26. 40 makes *facetiae* and *dicacitas*—the subdivisions of *sales*. Other words practically if not strictly synonymous are *salsum*, *venustum*, *urbanum*. Cp. Volkmann, Rhet. p. 291. In translating we must be guided by the context.

12. **arte** = 'doctrina' in § 218.

13. **artem desiderant**. Quintil. vi. 3. 11 'ut non ausim dicere carere omnino arte, quia nonnullam observationem habet suntque ad id pertinentia et a Graecis et a Latinis composita praecepta, ita plane adfirmo, praecipue positum esse in natura et in occasione.'

16. **facetius**: for the play upon words cp. i. 61. 260. 'I think that a man not destitute of humour can discourse more wittily upon any subject than upon wit.'

putari. Itaque cum quosdam Graecos inscriptos libros esse vidissem de ridiculis, non nullam in spem veneram posse me ex eis aliquid discere; inveni autem ridicula et salsa multa Graecorum; nam et Siculi in eo genere et Rhodii et Byzantii et praeter ceteros Attici excellunt; sed qui eius rei rationem quandam conati sunt artemque tradere, sic insulsi exstiterunt, ut nihil
218 aliud eorum nisi ipsa insulsitas rideatur; qua re mihi quidem nullo modo videtur doctrina ista res posse tradi. Etenim cum duo genera sint facetiarum, alterum aequabiliter in omni sermone fusum, alterum peracutum et breve, illa a veteribus superior cavillatio, haec altera dicacitas nominata est. Leve nomen habet
219 utraque res. Quippe; leve enim est totum hoc risum movere;

12. *totum* om. *M*: incl. K: del. Fr.

1. **Itaque** really introduces not 'non nullam in spem veneram,' but 'sic insulsi exstiterunt.' We should more naturally and more logically make the first clause subordinate to the second, not coordinate with it. See note on § 122; Tusc. D. ii. 26. 62 'itaque semper Africanus Socraticum Xenophontem in manibus habebat, cuius in primis laudabat illud' = itaque A., qui semper X. in manibus habebat, huius in primis laudabat illud. Cp. Madv. on de Fin. i. 6. 18: 'fit hoc interdum apud Ciceronem, ut oratione non statim recto cursu eo progrediente quo debebat, particula sententias connectens inepta videatur, si ad eam solam sententiam referatur, in qua posita sit, maximeque hoc accidit in iis particulis, quae conclusivae dicuntur, *itaque, quare,* aliis.'

Graecos libros: unfortunately Quintilian (l. c.) does not mention the Greek writers on the subject: it may have been discussed in some of the τέχναι no longer extant. Aristotle, Rhet. iii. 18, quotes a saying from the τέχνη of Gorgias, but refers for his own discussion of the question to his Poetics, in which nothing is now found but a definition of τὸ γελοῖον. Theophrastus is also said to have treated the subject. But it is more probable that the reference is to a collection of jests for popular use, 'Joe Millers.'

2. **de ridiculis** = περὶ γελοίων.

3. **salsa**: Or. 26. 90 'quidquid et salsum . . . in oratione, id proprium Atticorum est, e quibus tamen non omnes faceti.' Quintil. vi. 3. 19 'salsum igitur erit, quod non erit insulsum, velut quoddam simplex orationis condimentum quod sentitur latente iudicio vel palato, excitatque et a taedio defendit orationem.'

4. **Siculi**: in Verr. iv. 43. 95 'numquam tam male est Siculis, quin aliquid facete et commode dicant.' Caelius ap. Quint. vi. 3. 41 'Siculi, ut sunt lascivi et dicaces.' For the early history of comedy in Sicily under Epicharmus and Sophron cp. Curtius, Hist. iii. pp. 231 ff. (trans. Ward), who remarks of Megara in Sicily 'the citizens of this little community were, like the Megareans in Hellas, particularly distinguished by natural gifts qualifying them for the production and appreciation of humorous, festive plays and mimic representations.' The Megarean colonists of Byzantium retained the same tastes, which were developed by the pleasure-loving life, for which that city was noted. The Rhodian witticisms do not seem to be mentioned elsewhere, but the intellectual activity of the island was great, and lasted longer than that of almost any other Greek community. Cp. § 3.

6. **exstiterunt**, 'showed themselves.'

11. **cavillatio**, 'raillery.' Plaut. Aul. 630 has 'pone hoc sis: aufer cavillam: non ego nunc nugas ago.' The origin of *cavilla* is not quite certain, but it can hardly be connected with *calvus, calumnia,* etc., as some say. Cp. Vaniček, Wtb. p. 1118: and Fest. p. 45 M 'cavillatio est iocosa calumniatio.' Sometimes even in Cicero it acquires the meaning of 'sophistry' or 'pedantry.' Cp. Reid on Acad. ii. 75; Bonnell, Lex. s. v. and Ern., Lex. Techn. s. v. 'calumniari.'

12. **Quippe**, 'of course:' de Fin. iv. 3. 7 'ista ipsa, quae tu breviter, regem, dictatorem, divitem solum esse sapientem, a te quidem apte ac rotunde: quippe,

verum tamen, ut dicis, Antoni, multum in causis persaepe lepore et facetiis profici vidi. Sed cum illo in genere perpetuae festivitatis ars non desideretur (natura enim fingit homines et creat imitatores et narratores facetos adiuvante et voltu et voce et ipso genere sermonis) tum vero in hoc altero dicacitatis quid habet ars loci, cum ante illud facete dictum emissum haerere debeat, quam cogitari potuisse videatur? Quid enim hic meus 220 frater ab arte adiuvari potuit, cum a Philippo interrogatus quid latraret, furem se videre respondit? Quid in omni oratione Crassus vel apud centumviros contra Scaevolam vel contra accusatorem Brutum, cum pro Cn. Plancio diceret? Nam id, quod tu mihi tribuis, Antoni, Crasso est omnium sententia concedendum; non enim fere quisquam reperietur praeter hunc in utroque genere leporis excellens: et illo, quod in perpetuitate sermonis, et hoc, quod in celeritate atque dicto est. Nam haec 221 perpetua contra Scaevolam Curiana defensio tota redundavit hilaritate quadam et ioco; dicta illa brevia non habuit; parcebat

6. *emissum* incl. K.

habes enim a rhetoribus.' Cp. Madv. on de Fin. v. 28. 84, and pro Mur. 30. 62 (with Heitland's App. C.); 35. 74; Holden on pro Planc. 22. 53, etc. Fest. p. 257 '*quippe* significare *quidni* testimonio est Ennius,' with Müller's note p. 399 'nunc autem multi particula *quippe* nimis abutuntur; quippe? cum originis apud omnes summa fuerit oblivio.'

leve, 'not very dignified.'

totum hoc risum movere. Roby, § 1355. Above, § 39; de Fin. i. 1 'totum hoc philosophari.'

2. **festivitatis**, 'pleasantry.'

3. **desideretur.** Many inferior MSS. have 'desideratur:' but cp. Roby, §§ 1734, 1735; Madv. on de Fin. i. 6. 19. In this case it can hardly be said that there is any 'contrast between a general statement and a particular case:' cp. Reid in Mayor's de Nat. D. i. 1. 1.

4. **narratores**: Or. 26. 87 'utetur utroque, sed altero [genere facetiarum] in narrando aliquid venuste, altero [dicacitatis] in iaciendo mittendoque ridiculo.'

8. **Philippo**: Introd. p. 5.

9. **latraret**, used of bawling orators by Cic. Brut. i. 15. 58 'latrant iam quidam oratores, non loquuntur;' but of course here with a play upon the meaning of *catulus*, 'puppy.' Philippus said 'quid latras, Catule?' It is needless to suppose with Pid. that Catulus in his reply was charging Philippus with robbing the senate of their rights and privileges. There may however be a reference to his language in introducing his agrarian law, which Cic. (de Off. ii. 21. 73) speaks of as 'capitalis oratio, ad aequationem bonorum pertinens.'

10. **centumviros**: i. 38. 173; 39. 180 (notes).

11. **Brutum**: Introd. p. 12. Nothing is known of Cn. Plancius, or the accusation brought against him.

14. **leporis**, used in its widest sense = *facetiae*, 'pleasantry.'

15. **celeritate**, 'readiness;' **dicto**, 'witticism:' but the two practically form a hendiadys = 'ready wit.' Nägelsb. p. 86.

17. **dicta**, 'bons mots.' Macrob. (Sat. ii. 1) quotes from a letter of Cicero to Cornelius Nepos: 'itaque nostri, cum omnia quae dixissemus dicta essent, quae facete et breviter et acute locuti essemus ea proprio nomine appellari dicta voluerunt;' illa, 'of the other case:' *haec* and *illa* here merely serve for distinction like 'hic et ille' = 'this or that,' and there seems no very definite reason for their usage in one or the other clause.

enim adversarii dignitati, in quo ipse conservabat suam; quod
est hominibus facetis et dicacibus difficillimum, habere hominum
rationem et temporum et ea, quae occurrunt, cum salsissime
222 dici possunt, tenere; itaque non nulli ridiculi homines hoc ipsum
non insulse interpretantur dicere [enim aiunt] Ennium, flammam
a sapiente facilius ore in ardente opprimi, quam bona dicta
teneat; haec scilicet bona dicta, quae salsa sint; nam ea dicta
55 appellantur proprio iam nomine. Sed ut in Scaevola continuit
ea Crassus atque [in] illo altero genere, in quo nulli aculei contumeliarum
inerant, causam illam disputationemque elusit, sic
in Bruto, quem oderat et quem dignum contumelia iudicabat,
223 utroque genere pugnavit. Quam multa de balneis, quas nuper
ille vendiderat, quam multa de amisso patrimonio dixit! Atque
illa brevia, cum ille diceret se sine causa sudare, 'minime mirum,'

3. *occurrant ω* Fr. 4. *ridiculi homines . . . interpretantur . . enim* incl. K. *interpretantur dicere Ennium* P: *dicere enim aut pienti* AE^1: *aiunt pienti* E^2H. 9. *in* inclusi, Reidium secutus. 14. *cum ille diceret* PS: *ut cum ille diceret* K e conj.

3. **cum . . . possunt**, 'at a time when they can:' the MSS. authority is overwhelmingly against the old reading 'possint.'

5. **interpretantur.** In *M* this passage is very corrupt: but it seems probable that *enim* has come by corruption from *Ennium*, which afterwards was reinserted by a correction in later MSS. The view of most modern editors, adopted in my first edition, puts a great strain on the meaning of *interpretantur*. Hence it is better to adopt Pid.'s reading (based upon a conjecture of Bake's) 'hoc ipsum . . . interpretantur dicere Ennium, flammam a sapiente facilius,' etc., which makes excellent sense. We may translate 'some waggish fellows wittingly explain that this is precisely what Ennius says,' i. e. that it is difficult to suppress a good joke, applying to it a line of Ennius, which was originally used of *bona dicta* in a very different sense, i. e. of wise useful words.

flammam, etc. The original form of the line was probably '[nám] flammam sapiéns facilius óre in ardente ópprimit, quám bona dicta téneat,' a trochaic tetrameter catalectic, and part of a second. Cp. Vahlen's Ennius, p. 148.

9. **aculei contumeliarum**, 'stinging taunts.'

10. **causam illam disputationemque**, 'his opponent's case and argument.'

elusit, 'foiled,' is due to Dr. Reid. The usual reading 'lusit causam,' i. e. iocose et festive egit, is hardly to be defended by such passages as Verg. Ecl. i. 10 'ludere quae vellem calamo permisit agresti;' Georg. iv. 565 'carmina qui lusi pastorum.' Cp. Nägelsb. Stil. p. 284.

12. **balneis**: the plural form was almost invariably used in the time of Cicero of a public bath: cp. Varro, L. L. ix. 68 M; but Marquardt, Privatalt. vol. i. note 1753, refers to one inscription of the Republic (C. I. L. i. 1263), and several of a later date in which *balneum* denotes a public bath; and in Plaut. Most. 756 R (742 Lor.) *balineae* denotes a private bath. It was not uncommon for public baths to be worked by speculators (*balneae meritoriae*): e.g. 'balneae Pallacinae,' p. Rosc. Am. 7. 18: 'b. Seniae,' p. Cael. 25. 61.

14. **se sine causa sudare**: Brutus meant that he was exerting himself needlessly, probably to establish some charge against Plancius. Crassus took the words literally: 'no wonder, for you have just left your baths,' i. e. have sold them. Cp. *ἐκστῆναι τῶν ὄντων = cedere bonis*, 'to be bankrupt,' Demosth. xxxvi. § 50, with Sandys' note. The *sudatio* was always the first stage in the bath: cp. Celsus, i. 4 'si in balneum venit, sub veste primum in tepidario insudare:' Marquardt, i. 293.

inquit 'modo enim existi de balneis.' Innumerabilia *alia* fuerunt, sed non minus iucunda illa perpetua: cum enim Brutus duo lectores excitasset et alteri de colonia Narbonensi Crassi orationem legendam dedisset, alteri de lege Servilia, et cum contraria inter sese de re publica capita contulisset, noster hic facetissime tris patris Bruti de iure civili libellos tribus legendos dedit. Ex libro primo: 'forte evenit, ut in Privernati essemus.' 224
'Brute, testificatur pater se tibi Privernatem fundum reliquisse.' Deinde ex libro secundo: 'in Albano eramus ego et Marcus filius.' 'Sapiens videlicet homo cum primis nostrae civitatis norat hunc gurgitem; metuebat, ne, cum is nihil haberet, nihil esse ei relictum putaretur.' Tum ex libro tertio, in quo finem scribendi fecit—tot enim, ut audivi Scaevolam dicere, sunt veri Bruti libri—'in Tiburti forte adsedimus ego et Marcus filius.' 'Ubi sunt hi fundi, Brute, quos tibi pater publicis commentariis consignatos reliquit? Quod nisi puberem te, inquit, iam haberet, quartum librum composuisset et se etiam in balneis lotum cum

1. *alia* addidit J. S. Reid: *talia* Halm. *huius modi* codd. non optimae notae: PS. 3. *duo EH*: *duos AKP*. 15. *hi fundi*. *MKS*: *ei fundi* P. 17. *lotum* PSHFr.: *locutum* ς K St Str.: *locum* ω.

1. **alia**: Halm supposes *talia* to have been lost from *M*, and the *huiusce modi* which is found in inferior MSS. to have been a gloss or variant upon it. Kayser does not add it, but corrects by inserting *ut* before 'cum,' and placing a comma at 'balneis.' Fr. reads 'Atque illa brevia, cum ille diceret se sine causa sudare, "Minime mirum," inquit, "nam modo existi de balneis" innumerabilia fuerunt.'

3. **duo**: cp. Roby, i. p. 442, Neue, ii.[2] 147–8.

lectores: the story is told somewhat more fully in p. Cluent. 51. 141 ff. Cp. Introd. pp. 8, 9. See note on 'recito,' § 173.

5. **contraria inter sese de re publica capita**, 'passages containing opposite views on politics:' *caput* is often used by Cicero for a section or chapter of a law (e.g. in Verr. Act. ii. 46. 118): it is used as here in Ep. Fam. iii. 8. 2 'prima duo capita epistolae tuae tacita mihi quodam modo relinquenda sunt.'

6. **patris Bruti**, § 142 (note).

7. **Privernati**: this form is far more common than *-ate*, and is approved by Priscian: cp. Neue, ii.[2] 62; but see § 263. Friedrich justly points out that the words 'ego et Marcus filius,' added after 'essemus' in pro Cluent. 141, must have been accidentally dropped out here. They are quite necessary for the point.

10. **cum primis**; less usual in this sense than 'in primis:' but cp. Brut. 56. 205 'eques Romanus cum primis honestus,' 62. 224 in Verr. Act. ii. i. 52. 137; ii. 28. 68; iii. 87. 200: pro Quinct. 6. 24. Both phrases are always apparently with some epithet of praise, especially 'honestus.'

15. **publicis**, 'published.' If this is sound, it is a use of the word without parallel in Cic. *Publicare* or *in publicum dare* for 'to publish' is used first by Pliny Ep. See Krebs-Schmalz, Antib. ii. 384.

17. **lotum**: cp. de Off. i. 35. 129 'nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur:' pro Cluent. 51. 141 'quod si potuisset honeste scribere se in balneis cum id aetatis filio fuisse, non praeterisset.' So Plut. Marc. Cat. c. 20, Cic. de Rep. iv. 4. etc. The better MSS. all have *locum*, only the inferior ones *locutum*: hence the view of Ell. and Henrichsen, that *lotum* in the early editions and one or two MSS. is only a correction of a copyist who had

225 filio scriptum reliquisset.' Quis est igitur, qui non fateatur, hoc lepore atque his facetiis non minus refutatum esse Brutum quam illis tragoediis, quas egit idem, cum casu in eadem causa efferretur anus Iunia. Pro di immortales, quae fuit illa, quanta vis! quam inexspectata! quam repentina! cum coniectis oculis, gestu omni ei imminenti, summa gravitate et celeritate verborum 'Brute, quid sedes? Quid illam anum patri nuntiare vis tuo? Quid illis omnibus, quorum imagines duci vides[? Quid] maioribus tuis? Quid L. Bruto, qui hunc populum dominatu regio liberavit? Quid te agere? Cui rei, cui gloriae, cui virtuti studere? Patrimonione augendo? At id non est nobilitatis.

6. *et* ω KS. *ei* γ Pid. *omni et* delet Reid. 8. [*? quid*] *maioribus* H.

an untimely recollection of this Roman custom, is not probable: *locutum* is much more likely to be an alteration of the evidently erroneous *locum.*

3. **tragoediis**, § 205. **Junia** is not otherwise known, but belonged of course to the same *gens* as Brutus.

efferretur: i. e. to burial; cp. § 327; the word is often so used without 'funere,' which is prefixed in the inferior MSS. here, but which would require to be accompanied by an epithet: cp. Plaut. Aul. 559 'tum tu idem optumumst loces ecferendum: nam iam credo mortuost.'

4. **quae fuit illa, quanta vis,** 'what power he showed, how great.' We should have expected 'et quanta.'

5. **coniectis,** 'fixed upon him:' iii. 59. 222. Quintil. ix. 3. 101 'et voltus mutatio oculorumque coniectus multum in actu valet.' **cum** is of course the conjunction, not the preposition. [*A* has quom iectis.]

6. **gestu omni ei imminenti.** The great majority of the MSS. have 'et imminenti,' which Sorof retains; but I much doubt whether 'omnis,' even in the sense of 'all imaginable,' as he takes it, could be coordinated with an adjective like 'imminens.' K.'s transposition 'et imminenti gestu omni' is better, but it is simplest with Pid. to correct 'ei' for 'et.' It is very possible, as Pid. suggests, that after 'sedes,' *inquit* (often written in MSS. *inquid*) has been lost.

8. **imagines**: cp. Marquardt, Privatalt. i. 359; Mommsen, Hist. ii. 395–6; or my 'Primer of Roman Antiquities,' p. 79. **Duci** in the *lecti*, of which 600 are said to have accompanied the corpse of the young Marcellus. Serv. on Aen. vi. 862, 875. Hor. Epod. 8. 11 says, 'funus atque imagines ducant triumphales tuum,' because the 'imagines' though not leading the procession, preceded the corpse.

9. **qui . . . liberavit.** Brutus, the murderer of Caesar, claimed to be descended from L. Brutus, but falsely: for the latter was undoubtedly a patrician, while the Bruti of the later republic were plebeians, as is proved by the fact that some of them were 'tribuni plebis.' Cp. reff. in Orelli's Onom. p. 316 f. Niebuhr however believes that the first consul may have been a plebeian (Hist. i. 522). Dionysius mentions Junius Brutus as one of the first tribunes: but Niebuhr believes this Brutus to have been entirely fictitious (i. 617). The relation of the Brutus of the text (*accusator*) to the M. Brutus who murdered Caesar cannot be determined: but there is some reason to suppose that he was first cousin to the father of D. Brutus, another of the conspirators. See Dict. Biogr. s. v. *Brutus* (i. p. 508 a).

10. **cui rei,** etc. 'to what business, what object of ambition, what manly virtue (is she to say) that you are devoted?' Cp. Cato, R. R. 3 in Roby, ii. p. xxxvi.

11. **non est nobilitatis.** Senators at one time were not allowed to engage in commercial pursuits: cp. Liv. xxi. 63 'legem, quam Q. Claudius . . . tulerat, ne quis senator, cuive senator pater fuisset, maritimam navem, quae plus quam trecentarum amphorarum esset haberet. Id satis habitum ad fructus ex agris vectandos: quaestus omnis patribus indecorus visus.' This law afterwards became obsolete (in Verr. v. 18. 45); but Cicero says (de Off. i. 42. 151) 'mercatura autem, si tenuis est, sordida putanda est: sin

Sed fac esse, nihil superest; libidines totum dissipaverunt. An 226 iuri civili? Est paternum. Sed dicet te, cum aedis venderes, ne in rutis quidem et caesis solium tibi paternum recepisse. An rei militari? Qui numquam castra videris! An eloquentiae? Quae neque est in te, et, quicquid est vocis ac linguae, omne in istum turpissimum calumniae quaestum contulisti! Tu lucem aspicere audes? Tu hos intueri? Tu in foro, [tu in urbe,] tu in civium esse conspectu? Tu illam mortuam, tu imagines ipsas non perhorrescis? Quibus non modo imitandis, sed ne conlocandis quidem tibi locum ullum reliquisti.' Sed haec tragica 56
atque divina; faceta autem et urbana innumerabilia vel ex una 227
contione meministis; nec enim maior contentio umquam fuit nec apud populum gravior oratio quam huius contra conlegam

3. *recepisse OP* ς PS: *reliquisse M*K. 5. *neque est M*KSH: *nulla est* P. 7. *tu in urbe* nullus fere codex testificatur: delendum esse intellexit Fr. 11. *vel ex una M*KS: *ex una* P.

magna et copiosa . . . non est admodum vituperanda.' For the money-making pursuits of the Roman nobles see Mommsen, i. 211–212, 461; ii. 386 ff. etc.

3. **rutis et caesis**: cp. Fest. 262 M 'ruta caesa dicuntur quae venditor possessionis sui usus gratia concidit, ruendoque contraxit:' Dig. xix. 1. 17 'si ruta et caesa excipiantur in venditione, ea placuit esse ruta, quae eruta sunt, ut harena, creta et similia; caesa ea esse, ut arbores caesas, et carbones et his similia:' Ib. l. 16. 241 'in rutis caesis ea sunt quae terra non tenentur, quaeque opere structili tectoriove non continentur.' Hence it appears that *ruta caesa* were stones already quarried, trees already felled, and the like. Cicero in this and another passage (Top. 26. 100 'fecique quod saepe liberales venditores solent, ut, cum aedis fundumve vendiderint, rutis caesisque receptis, concedant tamen aliquid emptori, quod ornandi causa apte et loco positum esse videatur') seems to give a wider extension to the term, which may be due either to special circumstances, or to the looseness of rhetorical writing (H. J. R.). Varro (L. L. ix. 104) notices that the *u* is long in *ruta*, though short in *erutus*, *obrutus*, etc. **Et** is often omitted, as in 'sarta tecta,' 'aequum bonum,' etc.

solium, § 143; iii. 33. 133: 'Primer,' p. 31.

recepisse, 'reserved:' see note on i. 39. 179. *M* have 'reliquisse,' which K. retains: but it cannot be right, and looks like an alteration by a copyist, who did not understand the technical term, perhaps arising from *reliquisti* below.

6. **calumniae** = συκοφαντίας, i. e. making a trade of prosecution: cp. p. Mil. 27. 74 'non calumnia litium alienos fundos petebat.' Merguet quotes many similar instances from the speeches of Cicero: cp. Verr. iii. 15. 38 'ut hic quoque Apronio ex miseris aratoribus calumniandi quaestus accederet.' Cp. p. Quint. 3. 11 'vocem in quaestum contulit.'

9. **conlocandis**. The reading of *M* 'coniungendis,' must, I think, be corrupt. Mr. S. G. Owen ingeniously defends it by referring to the use of the *lineae* of the *stemmata*: cp. Mayor on Iuv. viii. 1. 'You have left yourself no room . . . I won't say for imitating, but for even setting up those busts.' The zeugma in 'imitandis' (sc. imaginibus) is doubtless due to the desire for a play on the words: cp. § 256.

11. **divina**, sc. 'sunt.' For a large collection of similar instances cp. Seyffert on Laelius, p. 84; Reid on Acad. ii. 86; Nägelsb. p. 510. Cp. Roby, § 1017.

12. **maior contentio**, 'a greater effort of oratory:' cp. de Off. i. 37. 132 'quoniam magna vis orationis est, eaque duplex, altera contentionis, altera sermonis, contentio disceptationibus tribuatur iudiciorum, contionum, senatus, etc., contentionis praecepta rhetorum sunt, nulla sermonis.' Ib. ii. 14. 48; ad Her. iii. 13. 23 'contentio est oratio acris.'

13. **apud populum**: cp. Brut. 44. 164

in censura nuper neque lepore et festivitate conditior. Qua re tibi, Antoni, utrumque adsentior et multum facetias in dicendo prodesse saepe et eas arte nullo modo posse tradi: illud quidem admiror, te nobis in eo genere tribuisse tantum et non
228 huius rei quoque palmam [ut ceterarum] Crasso detulisse.' Tum Antonius 'ego vero ita fecissem,' inquit 'nisi interdum in hoc Crasso paulum inviderem; nam esse quamvis facetum atque salsum non nimis est per se ipsum invidendum; sed cum omnium sit venustissimus et urbanissimus, omnium gravissimum et severissimum et esse et videri, quod isti contigit uni, [id]
229 mihi vix ferendum videbatur.' Hic cum adrisisset ipse Crassus, 'ac tamen,' inquit Antonius 'cum artem esse facetiarum, Iuli, [ullam] negares, aperuisti quiddam, quod praecipiendum videretur: haberi enim dixisti rationem oportere hominum, rei, temporis, ne quid iocus de gravitate decerperet; quod quidem in primis a Crasso observari solet. Sed hoc praeceptum praetermittendarum est facetiarum, cum eis nihil opus sit; nos autem quo modo utamur, cum opus sit, quaerimus, ut in adversarium et maxime, si eius stultitia poterit agitari; in testem stultum,
230 cupidum, levem, si facile homines audituri videbuntur. Omnino probabiliora sunt, quae lacessiti dicimus quam quae priores,

5. [*ut ceterarum*] om. *M*. 10. *contigit* ω PS: *contingit OP* K. *id* om. codd. fere omnes.

'ipsa illa censoria contra Cn. Domitium collegam non est oratio, sed quasi capita rerum et orationis commentarium paulo plenius. Nulla est enim altercatio clamoribus unquam habita maioribus.'

1. **conditior**: Brut. 48. 177 (of Caesar) 'nemo unquam urbanitate, nemo lepore, nemo suavitate conditior.'

2. **utrumque**: cp. i. 9. 35 'cetera, inquit, adsentior Crasso.'

3. **et eas**: not used here with the force pointed out by Roby, § 2259, but simply with the laxity natural in a conversational style, recalling *facetias*.

5. **ut ceterarum**: evidently only an explanation of 'quoque.'

6. **in hoc**, 'in respect of this:' cp. pro Flacc. 29. 70 'in qua (purpura) tibi invideo.' Roby, § 1331.

8. **cum sit**, 'when a man is:' i. 8. 30 (note); *sis* (Or. Henr.) has very slight authority here.

12. **ac tamen**: (sic *M*): cp. i. 32. 148 (note).

13. [**ullam**] Madvig, Adv. Crit. ii. 96, rejects, on the ground that *ullus* and *quisquam* never precede the negative (see however Owen on Ov. Trist. i. v. 1): *Mγ* have *ullam* but not *Juli*: hence it is probable that the former is corrupted from the latter. Bake rejects *Juli*, because Caesar is not so addressed elsewhere in this book: but cp. § 235. The MS. authority for *Juli* however seems to be very slight.

videretur, at the time when you spoke: cp. § 8: *videtur* (so Ell. and K.) would of course stand, but has less authority.

19. **agitari**, 'lashed:' § 238.

20. **cupidum**, 'partial, one-sided:' cp. pro Font. 10. 21 'cupidis et iratis et coniuratis et ab religione remotis (testibus non debet credere iudex).'

21. **probabiliora**, 'more acceptable:' as in § 4; Quint. vi. 3. 15 'sunt enim longe venustiora omnia in respondendo, quam in provocando.'

Ov. Trist. i v. 1 O mihi post ullos nunquam memorande sodales.

nam et ingenii celeritas maior est, quae apparet in respondendo, et humanitatis est responsio; videmur enim quieturi fuisse, nisi essemus lacessiti, ut in ipsa ista contione nihil fere dictum est ab hoc, quod quidem facetius dictum videretur, quod non provocatus responderit; erat autem tanta in Domitio gravitas, tanta auctoritas, ut, quod esset ab eo obiectum, lepore magis levandum quam contentione frangendum videretur.' Tum **57**
Sulpicius 'quid igitur? Patiemur' inquit 'Caesarem, qui quam- 231
quam Crasso facetias concedit, tamen multo in eo studio magis ipse elaborat, non explicare nobis totum genus hoc iocandi quale sit et unde ducatur; praesertim cum tantam vim et utilitatem salis et urbanitatis esse fateatur?' 'Quid, si' inquit Iulius 'adsentior Antonio dicenti nullam esse artem salis?' Hic cum 232
Sulpicius reticuisset, 'quasi vero' inquit Crassus 'horum ipsorum, de quibus Antonius iam diu loquitur, ars ulla sit: observatio quaedam est, ut ipse dixit, earum rerum, quae in dicendo valent; quae si eloquentis facere posset, quis esset non eloquens? Quis enim haec non vel facile vel certe aliquo modo posset ediscere? Sed ego in his praeceptis hanc vim et hanc utilitatem esse arbitror, non ut ad reperiendum quod dicamus, arte ducamur sed ut ea, quae natura, quae studio, quae exercitatione consequimur, aut recta esse confidamus aut prava intellegamus, cum quo referenda sint didicerimus. Qua re, Caesar, ego quoque hoc 233
a te peto, ut, si tibi videtur, disputes de hoc toto iocandi genere quid sentias, ne qua forte dicendi pars, quoniam ita voluistis, in hoc tali coetu atque in tam accurato sermone praeterita esse

10. *hoc iocandi* om. K: *hoc iocandi quale* om. *M* (cp. Ströbel, p. 25).
20. *quod* ω KS: *quid* PH.

2. **humanitatis**: i.e. it is but natural: cp. § 86.

5. **responderit**: Roby, § 1698. Sorof (on i. 3. 10) has noticed that the conj. perf. is always used in a relative clause, depending on a negative past tense: cp. § 161.

7. **levandum**, the reading of *H* is supported by the alliteration: *elevandum* is more common in the sense of 'weakening' the force of an argument: but cp. Acad. ii. 22. 69.

8. **quid igitur?** This phrase usually precedes a question which expects a negative answer, and is often used in argument. Cp. Tusc. D. i. 25. 61 'quid igitur? Utrum capacitatem aliquam in animo putamus esse, quo, tanquam in aliquod vas, ea quae meminimus infundantur? Absurdum id quidem.'

10. **elaborat**: i. 5. 18 (note).

14. **quasi vero**: § 97.

16. **ipse dixit**: § 32.

21. **natura**: the usual three-fold division, dating from Plato Phaedr. 269 D εἰ μέν σοι ὑπάρχει φύσει ῥητορικῷ εἶναι, ἔσει ῥήτωρ ἐλλόγιμος, προσλαβὼν ἐπιστήμην τε καὶ μελέτην.

23. **quo referenda sint**, 'by what standard they are to be judged:' i. 32. 145.

25. **in hoc tali coetu**, 'in a party like the present.'

26. **accurato** 'carefully elaborated' with a view to secure completeness of

videatur.' 'Ego vero,' inquit ille 'quoniam collectam a conviva, Crasse, exigis, non committam, ut, si defugerim, tibi causam aliquam recusandi dem, quamquam soleo saepe mirari eorum impudentiam, qui agunt in scaena gestum spectante Roscio; quis enim sese commovere potest, cuius ille vitia non videat? Sic ego nunc, Crasso audiente, primum loquar de facetiis et docebo sus, ut aiunt, oratorem eum, quem cum Catulus nuper audisset, fenum
234 alios aiebat esse oportere.' Tum ille 'iocabatur' inquit 'Catulus, praesertim cum ita dicat ipse, ut ambrosia alendus esse videatur. Verum te, Caesar, audiamus, ut Antonii reliqua videamus.' Et Antonius 'perpauca quidem mihi restant,' inquit 'sed tamen defessus iam labore atque itinere disputationis meae requiescam in Caesaris sermone quasi in aliquo peropportuno deversorio.'
58 'Atqui' inquit Iulius 'non nimis liberale hospitium meum dices; nam te in viam, simulac perpaulum gustaris, extrudam et eiciam.

10. *Antonii reliqua videamus AHE*[2] Fr. H: legebatur *ad A. r. redeamus.*

treatment of all parts of the subject. How widely 'accuratus' differs from 'accurate' is well shown by de Fin. iv. 1. 1 'etiam si minus vere . . . sed tamen accurate,' etc.

1. **collecta** = συμβολή: the contribution expected of each man present at an ἔρανος (*cena collaticia*). Apparently ἅπ. λεγ.

2. **non committam**: § 16.

4. **agunt gestum**: not as Pid. 'venture even to move a hand,' but generally 'to act:' cp. Quint. xi. 3. 14 'omnis actio in duas partes divisa, vocem gestumque:' pro Rosc. C. 8. 24 'si hos quaestus recipere posses, non eodem tempore et gestum et animam ageres:' pro Quint. 24. 77 'dicebam huic Q. Roscio cum a me peteret et summe contenderet, ut propinquum suum defenderem mihi perdifficile esse contra talis oratores non modo tantam causam perorare, sed omnino verbum facere conari; cum cupidius instaret, homini pro amicitia familiarius dixi, mihi videri ore durissimo esse, qui praesente eo gestum agere conaretur.' For Roscius, see i. §§ 124, 129, 132, 251, etc.

6. **primum**, 'for the first time,' implying that the subject had not been previously discussed in Latin. This force of *primum* is only found where there is some other expression of time in the sentence; hence it must be closely connected with 'nunc.'

sus, ut aiunt, oratorem: an adaptation of the proverb 'sus Minervam docet.' One editor (Schuetz) has been found capable of thrusting 'Minervam' *de suo* into this passage! Cp. Fest. p. 310 M 'Sus Minervam in proverbio est, ubi quis id docet alterum, cuius ipse inscius est. Quam rem in medio, quod aiunt, positam Varro et Euhemerus ineptis mythis involvere maluerunt, quam simpliciter referre.' Cic. Acad. i. 4. 18.

9. **esse** (from *edo*): i. e. all others compared with him were but *pecudes*. Crassus replies that, so far from Catulus deserving the food of brute beasts, he ought rather to be treated to that of the gods.

10. **reliqua**, perhaps with reference to the mercantile use 'the outstanding debt' (J. S. R.).

11. **sed tamen**, 'but apart from that.'

12. **itinere**: so de Legg. i. 37 'iter huius sermonis.'

13. **deversorio**: Hor. Epist. i. 15. 10.

16. **eiciam**: the only form found in any good MSS. Cp. Prof. J. E. B. Mayor on Juv. xv. 17; Munro on Lucret. ii. 951; Lachmann on Gaius, iii. 119 (p. 258) 'adiicere per duo i scriptum ante saeculum xii non facile reperietur:' Brambach, p. 201; Neue, ii.[2] 438; Ribbeck, Verg. Prol. p. 138–9. In the face of this evidence as to the *practice* of the best writers, it cannot be right for Prof. J. B.

Ac ne diutius vos demorer, de omni isto genere quid sentiam perbreviter exponam. De risu quinque sunt, quae quaerantur: unum, quid sit; alterum, unde sit; tertium, sitne oratoris risum velle movere; quartum, quatenus; quintum, quae sint genera ridiculi. Atque illud primum, quid sit ipse risus, quo pacto concitetur, ubi sit, quo modo exsistat atque ita repente erumpat, ut eum cupientes tenere nequeamus, et quo modo simul latera, os, venas, oculos, voltum occupet, viderit Democritus; neque enim ad hunc sermonem hoc pertinet, et, si pertineret, nescire me tamen id non puderet, quod ne illi quidem scirent, qui pollicerentur. Locus autem et regio quasi ridiculi—nam id proxime quaeritur—turpitudine et deformitate quadam continetur; haec enim ridentur vel sola vel maxime, quae notant et designant turpitudinem aliquam non turpiter. Est autem, ut ad illud tertium veniam, est plane oratoris movere risum; vel quod ipsa hilaritas benevolentiam conciliat ei, per quem excitata est; vel quod admirantur omnes acumen uno saepe in verbo positum 235 236

4. *movere* om. *M*: *velle* del. Fr. 10. *ne illi quidem EKS*: *ne ipsi quidem illi* ς P: *ne ipsi illi quidem AH.*

Mayor, on the strength of the *theories* of Gellius (iv. 17) and some grammarians, to retain *eiicio* etc., in Cicero (de Nat. D. Introd. p. lxvi).

§§ 235–247. *Caesar now proceeds to divide his subject into five heads: (1) the nature, (2) origin, (3) rhetorical appropriateness, (4) extent, and (5) divisions of the laughable. The first he puts on one side, as not concerning the present inquiry. The laughable is said to originate in what is disgraceful, pointed out in a manner not disgraceful. It is proper for the orator, but neither crime nor misery are fit subjects for ridicule. Personal defects are, if not treated scurrilously. There are two main divisions of wit, one turning upon the matter, the other on the form of the expression. The former includes anecdotes and caricature, which are both illustrated, and their limitations pointed out.*

5. **quid sit risus**: Quintil. vi. 3. 7 'neque enim ab ullo satis explicari puto, licet multi temptaverint, unde risus, qui non solum facto aliquo dictove, sed interdum quodam etiam corporis tactu lacessitur.' For the most complete discussion of the ludicrous cp. Bain's Emotions, pp. 282 ff.

7. **latera,** i. 25. 114 (note). Hence compare, not 'Laughter holding both his sides' but 'My lungs began to crow like Chanticleer.'

8. **viderit**, i. 58. 246 (note). **Democritus**: the authorities for the character of the 'laughing philosopher' are collected, with his usual exhaustive completeness, by Prof. Mayor on Juv. x. 28; e. g. Sen. de Ira, ii. 10. 5 'Democritum aiunt numquam sine risu in publico fuisse.' It is hard to believe (with Ell., Pid., and Sorof) that Democritus is introduced here rather because of his fame as a physicist, than as the γελασῖνος.

10. **scirent . . . pollicerentur**: the subj. is due only to the attraction of 'puderet.'

12. **turpitudine**: Cicero is borrowing Aristotle's definition (Poet. c. 6) τὸ γὰρ γελοῖόν ἐστιν ἁμάρτημά τι καὶ αἶσχος ἀνώδυνον οὐ φθαρτικόν; on which Bain remarks 'He would have been nearer the mark if he had expressed it as causing something to appear mean that was formerly dignified: for to depict what is already under a settled estimate of meanness, has little power to raise a laugh; it can merely be an occasion of reflecting our own dignity by comparison.'

15. **est plane oratoris**: 'it is quite within the province of an orator.'

maxime respondentis, non numquam etiam lacessentis; vel quod frangit adversarium, quod impedit, quod elevat, quod deterret, quod refutat; vel quod ipsum oratorem politum esse hominem significat, quod eruditum, quod urbanum, maximeque quod tristitiam ac severitatem mitigat et relaxat odiosasque res saepe, quas argumentis dilui non facile est, ioco risuque dissolvit.
237 Quatenus autem sint ridicula tractanda oratori, perquam diligenter videndum est, id quod in quarto loco quaerendi posueramus. Nam nec insignis improbitas et scelere iuncta nec rursus miseria insignis agitata ridetur: facinorosos maiore quadam vi quam ridiculi volnerari volunt; miseros inludi nolunt, nisi se forte iactant; parcendum autem maxime est caritati hominum,
59 ne temere in eos dicas, qui diliguntur. Haec igitur adhibenda
238 est primum in iocando moderatio, itaque ea facillime luduntur, quae neque odio magno neque misericordia maxima digna sunt; quam ob rem materies omnis ridiculorum est in eis vitiis, quae sunt in vita hominum neque carorum neque calamitosorum neque eorum, qui ob facinus ad supplicium rapiendi videntur;
239 eaque belle agitata ridentur. Est etiam deformitatis et corporis vitiorum satis bella materies ad iocandum; sed quaerimus idem, quod in ceteris rebus maxime quaerendum est, quatenus; in quo

4. *maximeque OPPS*: *maxime ω* K. 16. *in eis vitiis AHM*²KS: *in istis vitiis EP*. 19. *eaque belle agitata ridentur* del. Fr. Str.

1. **respondentis . . . lacessentis**: cp. i. 5. 17.

2. **frangit**, etc. Wit 'breaks' the force of an opponent's attack by turning his serious charges into ridicule, 'hampers him' by preventing him from pressing on in the same line, 'disparages him' by turning him into a laughing-stock and thus robbing him of his *auctoritas*, 'deters him' by showing the superior acuteness of his antagonist, 'refutes him' by laughing away his accusations. Cp. Aquila Rom. 26 'διασυρμός, elevatio vel irrisio, ea figura est qua ludentes quae dicuntur ab adversariis dissolvimus.' Quintilian uses *elevare* with a like sense.

7. **Quatenus**: Cicero lays down rules for the use of 'ridiculum' in Or. 26. 88.

9. **nec miseria . . . ridetur**: Quint. vi. 3. 28 'inhumana videri solet fortunae insectatio.'

scelere iuncta: for the abl. cp. Roby, § 1216. This construction is limited to the part. perf. and the gerundive. But see App.

11. **volunt**, sc. 'homines.' Roby, § 1428.

12. **caritati**, § 206. For the abstract used as a kind of collective, cp. i. 53. 228: 'illorum orbitati' (note).

19. **belle**, 'neatly,' i. § 247 (note).

deformitatis et corporis vitiorum: Cicero's practice in his speeches, and many of the witticisms quoted in the following chapters, show how widely his canons of good taste differed from those now universally recognized. His speeches 'in Vatinium' and 'in Pisonem' especially abound with the coarsest personal abuse.

21. **quatenus**: Acad. ii. 29. 92 'rerum natura nullam nobis dedit cognitionem finium, ut ulla in re statuere possimus quatenus.' Or. 21. 73 'in omnibusque rebus videndum est quatenus.'

non modo illud praecipitur, ne quid insulse, sed etiam, si quid
perridicule possis, vitandum est oratori utrumque, ne aut scurrilis
iocus sit aut mimicus. Quae cuius modi sint facilius iam intelle-
gemus, cum ad ipsa ridiculorum genera venerimus.
Duo sunt enim genera facetiarum, quorum alterum re tractatur,
alterum dicto: re, si quando quid tamquam aliqua fabella narratur, 240
ut olim tu, Crasse, in Memmium, comedisse eum lacertum Largi,
cum esset cum eo Tarracinae de amicula rixatus: salsa, ac tamen
a te ipso ficta narratio; addidisti clausulam: tota Tarracina tum
omnibus in parietibus inscriptas fuisse litteras L.L.L.M.M.; cum
quaereres id quid esset, senem tibi quendam oppidanum dixisse:
'lacerat lacertum Largi mordax Memmius.' Perspicitis genus 241
hoc quam sit facetum, quam elegans, quam oratorium, sive habeas
vere quod narrare possis, quod tamen est mendaciunculis asper-
gendum, sive fingas. Est autem haec huius generis virtus, ut ita
facta demonstres, ut mores eius, de quo narres, ut sermo, ut voltus
omnes exprimantur, ut eis, qui audiunt, tum geri illa fierique
videantur. In re est item ridiculum, quod ex quadam depravata 242
imitatione sumi solet, ut idem Crassus: 'per tuam nobilitatem,

1. *modo* om. *M*K. *quid* om. *M*K. 4. *venerimus* PS cum *M*: *veniemus OP* ς K. 6. *aliquae fabellae narrantur M* Fr. 10. *inscripta H*: *litteras duo AH*: *litteras tria LLL duo MM* ς: *inscripta fuisse tria L duo M* Fr. 11. *oppidanum* incl. K: non habet *A*, sed videtur esse lacuna.

1. **non modo illud**, etc. The sentence is irregular; 'vitandum est oratori utrumque' is inserted for the sake of clearness, but interrupts the construction.

3. **mimicus**, 'farcical.' Or. 26. 88 'illud admonemus tamen, ridiculo sic usurum oratorem, ut nec nimis frequenti, ne scurrile sit, nec subobsceno, ne mimicum.'

5. **re tractatur**, 'is represented by means of some fact.' The phrase is borrowed from the stage: cp. Reid on pro Arch. 3.

6. **fabella**, 'anecdote.'

7. **Memmium**, the tribune of B.C. 111; 'vir acer et infensus potentiae nobilitatis' (Sall. Jug. 27). Cicero describes him (Brut. 36. 156) as 'orator mediocris, accusator acer atque acerbus' (cp. § 283). Crassus may have been brought into collision with him in his 'suasio legis Serviliae' (Introd. p. 9); to ridicule the ferocious character of the man, he invented a story that M. had bitten the arm of a man with whom he had quarrelled about a mistress, and gave a humorous confirmation of his story by asserting that he had seen the walls of the houses in Tarracina covered with the letters L. L. L. M. M.: these were doubtless intended for an election placard, in the abbreviated form of which the Pompeian *graffiti* supply many instances (cp. Zangemeister, C. I. L. iv. Index, pp. 249 ff.): and Harn. well suggests that the full form may have been *Lege Laetus Lubens Merito Memmium*: (although the only authorities for L. L. M. seem to be dedications; e.g. Wilmanns, 1005:) but Crassus asserted that an old townsman explained them by an iambic trimeter describing this assault.

8. **rixatus**: a verb used nowhere else by Cicero: a *rixa* (also rare in Cic.) is properly a quarrel that comes to blows, a brawl: cp. Tac. Hist. i. 64 'iurgia primum, mox rixae.' Iuv. xv. 52.

14. **mendaciunculis**, 'fictitious embellishments.'

18. **depravata imitatione**, 'caricature.'

19. **per tuam nobilitatem**: doubtless a caricatured imitation of the way in

per vestram familiam!' Quid aliud fuit, in quo contio rideret, nisi illa voltus et vocis imitatio? 'Per tuas statuas!' vero cum dixit et extento bracchio paulum etiam de gestu addidit, vehementius risimus. Ex hoc genere est illa Rosciana imitatio senis:

'tibi ego, Antipho, has sero, inquit; seniumst, quom audio.'

Atqui ita est totum hoc ipso genere ridiculum, ut cautissime tractandum sit; mimorum est enim et ethologorum, si nimia est imitatio, sicut obscenitas. Orator surripiat oportet imitationem, ut is, qui audiet, cogitet plura, quam videat; praestet idem ingenuitatem et ruborem suum verborum turpitudine et rerum obscenitate

3. *paulum AH*: *paululum* ς. Cp. C. F. W. Müller Cic. Orat. Vol. iii. ad p. 143, 4. 6. *atqui* PH monente Fleckeis. Krit. Misc. p. 26. *atque* KS. 7. *et AH* Fr. om. ς.

which Domitius talked of his high birth: **contio** is then used in its proper sense for the popular meeting before which the censors attacked each other. To interpret it as referring to Brutus, as many editors do, would require us to put a forced and unexampled meaning upon *contio*, as the audience in the law court, before which Plancius was arraigned. Cp. Introd. p. 13.

5. **seniumst, quom audio.** It is best to take these words as part of the comic iambic trimeter. Roscius in acting the part of Antipho had to represent him as quoting a favourite saying of his father's, and in doing so imitated very amusingly the tone and voice of an old man. '"'Tis for you I plant these trees, Antipho," says he. It is the peevishness of age, when I hear him.' The transferred meaning of *senium* 'annoyance, vexation,' is recognized by the grammarians, and would suit the passage well: cp. Nonius, p. 1 'senium est taedium et odium:' Fest. p. 339 M; Charis. p. 195: but it is hard to believe that there is not a reference to a fretful old age also. Cp. Hor. Ep. i. 18. 47. Others, not so well, take 'seniumst, quom audio' as said by Caesar: 'it is old age itself (that seems to be speaking) when I hear him.' It is not probable that Caesar's comment would happen to complete exactly the trimeter.

6. **Atqui**, etc. 'Yet while this is in its very nature amusing (§ 245), it must be handled with great care.'

7. **ethologorum**, i. e. actors in farces, who depicted characters (ἤθη). The word is apparently only used here and below, § 244. For the 'mimes' cp. Mommsen, iv. 579–80: 'the artistic charm depended wholly, as in the Atellana, on the portraiture of the manners of low and common life.' The *aretalogi* whom Ell. couples with these, were quite different, and were not actors at all. Cp. Mayor on Juv. xv. 16.

8. **sicut obscenitas**: Quint. vi. 3. 29 'oratori minime convenit distortus vultus gestusque, quae in mimis rideri solent: obscenitas vero non a verbis tantum abesse debet, sed etiam a significatione:' cp. § 252. *Obscenus* is one of the words (cp. i. § 98, note) in which the best established orthography is not that which is etymologically correct. While the good MSS. in Vergil (Georg. i. 470; Aen. iv. 455, Ribbeck), Horace (Ep. 5. 98; Sat. i. 2. 96; 8. 5; Ep. ii. 1. 127, Keller), Tacitus (Ann. xv. 37), and here give *obscenus*, it can hardly be doubted that the word is for *ob-scaev-nu-s*. (Fest. p. 201 'quom apud antiquos omnes fere obscaena dicta sint, quae mali ominis habebantur'). Corssen (i. 121. 328) and Brambach accept the old derivation from *caenum* 'filth.'

surripiat: from § 252 it would seem that this should have the sense 'suggest in passing:' and so most editors take it; but this is an unexampled meaning to give to the word. Unless Cic. is imitating the use of κλέπτειν it must mean rather 'should drop unnoticed,' 'whip away.' Some of Lord Beaconsfield's happiest parliamentary hits are said to have gained much force from a touch of mimicry.

9. **audiet**: for the tense cp. § 178.

praestet, 'vouch for.'

10. **ruborem** = 'pudorem,' not common in this transferred sense until later.

verborum turpitudine et rerum obscenitate: another instance of an abstract substantive with the genitive, where

vitanda. Ergo haec duo genera sunt eius ridiculi, quod in re **60**
positum est, quae sunt propria perpetuarum facetiarum, in quibus 243
describuntur hominum mores et ita effinguntur, ut aut re narrata
aliqua quales sint intellegantur aut imitatione breviter iniecta in
aliquo insigni ad inridendum vitio reperiantur. In dicto autem 244
ridiculum est id, quod verbi aut sententiae quodam acumine
movetur; sed ut in illo superiore genere vel narrationis vel
imitationis vitanda est mimorum et ethologorum similitudo, sic
in hoc scurrilis oratori dicacitas magno opere fugienda est. Qui
igitur distinguemus a Crasso, a Catulo, a ceteris familiarem
vestrum Granium aut Vargulam amicum meum? Non mehercule
in mentem mihi quidem vēnit: sunt enim dicaces; Granio quidem nemo dicacior. Hoc, opinor, primum, ne, quotienscumque
potuerit dictum dici, necesse habeamus dicere. Pusillus testis 245
processit. 'Licet' inquit 'rogare?' Philippus. Tum quaesitor

4. *breviter iniecta H*: *brevi periniecta A*: legebatur *brevi*.

we should rather use an adjective in agreement with a substantive: cp. § 237; de Off. iii. 29. 106 'in deformitate corporis' = 'in deformi corpore.' In de Off. i. 29. 104 we have the more common conjunction 'si rerum turpitudini adhibetur verborum obscenitas:' cp. § 236.

2. **perpetuarum facetiarum**, 'a continuous vein of humour.'

4. **in aliquo . . . reperiantur**, 'they are discovered to possess some striking and ridiculous failing.'

9. **scurrilis**: placed in a position of emphasis, because it is not *dicacitas*, but *scurrilis d.* which is to be avoided. In Cicero *scurra* never seems to retain the favourable sense of 'wit,' in which it is used by Plautus (e.g. Trin. 202, with Brix's note), and even by Catullus (xxii. 12, Ellis), but always carries a notion of blame with it.

11. **Granium**, a *praeco* by occupation: (Lucil. ap. Gell. iv. 17 'conicere in versus dictum praeconis volebam Grani'). Lucilius referred to an occasion on which Crassus during his tribuneship dined with him (Brut. 43. 160). Cp. ib. 46. 172 'Ego memini T. Tineam Placentinum, hominem facetissimum cum familiari nostro Q. Granio praecone dicacitate certare. Eon', inquit Brutus, de quo multa Lucilius? Isto ipso: sed Tineam non minus multa ridicule dicentem Granius obruebat nescio quo sapore vernaculo:' p. Planc. 14. 30 'ille [Granius] L. Crassi, ille M. Antonii voluntatem asperioribus facetiis saepe perstrinxit impune.' See below, §§ 254, 281, 282. In Ep. ad Fam. ix. 15. 2, Cicero uses the name almost proverbially: 'itaque, te [Paetus] cum video, omnes mihi Granios, omnes Lucilios, vere ut dicam Crassos quoque et Laelios videre videor.' Nothing is known of Vargula, except the joke in § 247.

12. **venit**: perf. not present. 'Really *I* have never thought of it before:' the form of expression seems chosen merely to retain the freedom of conversational discussion. Caesar goes on 'I should say, by this, in the first place, that we (orators) should not always consider it necessary to say a good thing whenever there is a chance.' I do not think it necessary with Sorof to insert *item* before 'dicaces:' the meaning required is rather 'for they are all witty.' The second distinction is given in § 247, where after a *résumé* of the first, Cicero adds 'et quod,' etc. = 'and also by the fact that,' etc.

15. **Philippus**, § 220. Cp. Brut. 47. 173 'erant ea in Philippo . . . summa libertas in oratione, multae facetiae: satis creber in reperiendis, solutus in explicandis sententiis: erat etiam . . . in altercando cum aliquo aculeo et maledicto facetus.'

quaesitor: the president of the court in a criminal case: 'Primer,' p. 88 ff.; Mommsen, Hist. i. 68, 81, 159; Röm.

properans 'modo breviter.' Hic ille 'non accusabis: perpusillum rogabo.' Ridicule. Sed sedebat iudex L. Aurifex brevior ipse quam testis etiam: omnis est risus in iudicem conversus; visum est totum scurrile ridiculum. Ergo haec, quae cadere possunt in quos nolis, quamvis sint bella, sunt tamen ipso genere scurrilia;
246 ut iste, qui se volt dicacem et mehercule est, Appius, sed non numquam in hoc vitium scurrile delabitur. 'Cenabo' inquit 'apud te,' huic lusco familiari meo, C. Sextio; 'uni enim locum esse video.' Est hoc scurrile, et quod sine causa lacessivit et tamen id dixit, quod in omnis luscos conveniret; ea, quia meditata putantur esse, minus ridentur: illud egregium Sextii et ex
247 tempore 'manus lava' inquit 'et cena.' Temporis igitur ratio et

4. *scurrile* incl. K.

Staatsr. ii. 504 ff. (cp. Ramsay, Rom. Ant. pp. 288 f.). Probably the witness was making a second appearance: otherwise it would hardly have been necessary for Philippus to ask permission.

1. **perpusillum**, might be understood as neut. 'a very short question;' or as masc. 'a very short witness.'

2. **sedebat** 'there was in the jury-box,' as often: cp. pro Cluent. 38. 105.

3. **etiam**: an unusual position for this particle (which strengthens the comparative) chosen to lay stress on *testis*. Later writers often use *adhuc* with this force. Cp. Kühner, ii. 665.

5. **ipso genere**, § 242.

6. **se volt dicacem**, sc. 'esse,' 'means to be witty:' cp. Madv. on de Fin. ii. 31. 102; v. 5. 13 'physicum se voluit.' Mayor on Phil. ii. 6. 14 'te similem maluisti;' who give ten or twelve more exx. The force is not quite the same as in passages where the subjects are not the same, as in Liv. xxii. 53 'qui remp. salvam vellent.'

Appius, Claudius; not to be identified with the 'Appius ille maior' of § 284, as is done by Orelli, Onomast. and in the Dict. Biog. s. v. (No. 29). The distinctive appellation in the latter passage seems intended to preclude this; not as Schütz says to distinguish him from a younger brother with the same praenomen. It is probable that this man was the father of P. Clodius, Cicero's enemy (No. 35), praetor in B.C. 89, consul in B.C. 79. Then the man spoken of as 'ille maior' in B.C. 91 may be assumed to be his father. We know that Clodius was 'A. f. A. n. Pulcher.' The error in the Dict. Biog. arose in part from the erroneous view formerly current as to the date of the Lex Thoria, which has now been fixed to B.C. 118: cp. Mommsen, C. I. L. pp. 75 ff. It does not of course necessarily follow from § 284 that Appius was a senator at the date of the *passing* of the *Lex Thoria*, but it is the most natural deduction from the language used there. We cannot argue from the mention of Lucilius, for he did not die till B.C. 103: but we have again some slight confirmation of Mr. Munro's views as to the date of the birth of Lucilius. See note on § 26.

8. **Sextio**: not to be further identified: possibly the C. Sextius Calvinus of Brut. 34. 130, who is spoken of as 'valetudine incommoda,' with 'dolore pedum.' Cp. § 249.

uni, 'for one (guest),' or 'for one (eye).' Cp. Plaut. Stich. iv. 2. 37 'edepol tibi etiam opinor uni locum conspicor ubi accubes.' Persius (i. 128) justly takes as the typical *sordidus* a man 'lusco qui possit dicere "lusce."'

11. **illud**, 'the rejoinder.'

12. **manus lava**: i. e. not with those dirty hands of yours: doubtless with a reference to his love for 'filthy lucre.' *sordidus* is often used of discreditable gains. It is said that the only occasion on which Brougham was disconcerted was during his canvass of Yorkshire; when on one occasion he appealed to a large meeting to bear witness to the cleanness of his hands, and the audience roared with laughter at the contrast between their moral purity and their physical need of washing.

ipsius dicacitatis moderatio et temperantia et raritas dictorum distinguet oratorem a scurra, et quod nos cum causa dicimus, non ut ridiculi videamur, sed ut proficiamus aliquid, illi totum diem et sine causa. Quid enim est Vargula adsecutus, cum eum candidatus A. Sempronius cum M. fratre suo complexus esset 'puer, abige muscas?' Risum quaesivit, qui est mea sententia vel tenuissimus ingenii fructus. Tempus igitur dicendi prudentia et gravitate moderabimur; quarum utinam artem aliquam haberemus! Sed domina natura est.

Nunc exponamus genera ipsa summatim, quae risum maxime **61**
moveant. Haec igitur sit prima partitio, quod facete dicatur, id **248**
alias in re habere, alias in verbo facetias; maxime autem homines delectari, si quando risus coniuncte re verboque moveatur. Sed hoc mementote, quoscumque locos attingam, unde ridicula ducantur, ex eisdem locis fere etiam gravis sententias posse duci:

11. *id alias in re* hoc *habere, alias in verbo, facetiis autem homines maxime delectari* K non satis caute. 14. *ducantur* ς: *vocantur M* Fr.

2. **et quod**, 'and besides the fact that.'

cum causa: cp. Reid on de Fin. ii. 56.

3. **illi**, 'while they' with a common adversative asyndeton.

5. **A. Sempronius**, with the family cognomen *Musca*, whence the joke.

complexus esset, as part of the 'prensatio,' i. 24. 112. For the number of the verb cp. Roby, § 1437.

6. **puer**, sc. the *pedisequus* or personal attendant.

8. **moderabimur**, 'we shall determine:' so 'moderari consilia,' etc. For the construction cp. Madvig, § 244, obs. 1.

9. **domina**, not of course teacher, but like κύριος: 'controller.'

§§ 248–263. *Caesar now gives the division of verbal wit, pointing out first that serious remarks can generally be derived from the same sources as witty ones. The chief heads are* (1) *the ambiguous;* (2) *the unexpected, often accompanied by ambiguity;* (3) *the play upon words, or puns;* (4) *the interpretation of a name, or the application of a verse or proverb;* (5) *the literal expression of an expression otherwise intended;* (6) *allegory, metaphor, and irony;* (7) *antithetical expressions. These are successively illustrated.*

10. **summatim**, 'summarily.' Before fulfilling his promise, Caesar indulges in three brief digressions: (1) a proof that serious arguments and jests can generally be derived from the same sources; (2) a reference to the various styles of facetiousness not suitable for the orator; (3) some preliminary remarks upon the nature of jests arising from ambiguity.

11. **partitio**, etc., 'let us then make our first division by laying down,' etc. For the construction cp. Tusc. D. iii. 16. 34 'perpetua in omni vita cogitatio nihil esse quod non accidere possit,' and a more similar instance, ib. iv. 38. 83 'animi morborum una sanatio est, omnis opinabilis esse et voluntarios.'

12. **alias . . . alias**, 'at one time . . . at another.'

habere facetias; an expression objected to by Ernesti, Schuetz, and Orelli as unparalleled, but Henrichsen's reference to § 252 'in verbis habere leporem omnem' is quite sufficient defence: 'derives its amusing character sometimes from the matter, sometimes from the language.'

15. **ex eisdem locis fere**. Ern. wished to strike out 'locis' on account of the unusual position of 'fere:' but *fere* does not here qualify 'eisdem,' though this might be defended by iii. 5. 17 'duas horas fere:' but = 'as a rule.' Quintil. vi. 3. 37, says 'neque enim minus numerosi sunt loci, ex quibus haec dicta quam illi ex quibus eae, quas sententias vocamus ducuntur, neque alii.'

tantum interest, quod gravitas honestis in rebus et severis, iocus in turpiculis et quasi deformibus ponitur, velut eisdem verbis et laudare frugi servum possumus et, si est nequam, iocari. Ridiculum est illud Neronianum vetus in furaci servo: solum esse, cui domi nihil sit nec obsignatum nec occlusum, quod idem in bono servo dici solet.

249 Sed hoc eisdem verbis; ex eisdem [autem] locis [nascuntur] omnia. Nam quod Sp. Carvilio graviter claudicanti ex volnere ob rem publicam accepto et ob eam causam verecundanti in publicum prodire mater dixit 'quin prodis, mi Spuri? quotienscumque gradum facies, totiens tibi tuarum virtutum veniat in mentem,' praeclarum et grave est: quod Calvino Glaucia

1. *et severis* P: *severisque* Fr.H: *severe ω*. 6. *Sed hoc* incl. K: *sed hoc eisdem etiam verbis* PS: *etiam* om. codd. plurimi. 7. *nascuntur ς*: del. Fr. cum *M* quot extant. 11. *veniat M* Fr. Lamb. etc.: volgo *veniet*.

2. **ponitur in**, 'is concerned with:' cp. de Off. i. 3. 7 'positum est in praeceptis' = 'versatur in praecipiendo' (Holden): so in § 252.

4. **Neronianum**, probably of C. Claudius Nero, the victor at the Metaurus: no other Nero before this time was famous enough to be so quoted without any further definition. The saying may very possibly have been borrowed from Cato's collection of Apophthegmata: cp. § 277. Quint. vi. 3. 50. For the form *Neronianus* cp. Kühner, i. p. 673.

furaci: Neue, ii.[2] 67 quotes this with the reading 'furace' from Ell.'s text, K.P.S. have as I have printed. I do not think *-e* can be defended here (with Neue) as a 'personal epithet,' against the grammarians' canons. Cp. Roby, § 414.

5. **obsignatum**. The Romans were accustomed to seal up their stores of money, provisions, wine, etc. Cp. Plaut. Epid. ii. 3. 3 (306 Goetz), where a rascally slave Epidicus says: 'quin ex occluso atque obsignato armario | decutio argentum tantum, quantum mihi lubet:' ib. Cas. ii. 1. 1 'obsignate cellas, referte anulum ad me.' Plin. H. N. xxxiii. 1. 6 'nunc cibi quoque ac potus anulo vindicantur a rapina.' Hor. Ep. ii. 2. 134 (note); Becker, Gallus[3], i. 169.

6. **Sed hoc**, etc., i. e. in this case the very same words may be used. We may however have instances where we have a serious remark, and also by a slight change of expression a ludicrous saying derived from the same source. Hence it is needless to accept Kayser's rejection of [sed hoc], which indeed robs the two following stories of their illustrative character.

7. **Sp. Carvilio.** Three men who bore this name are worthy of notice. 1. Sp. Carvilius, consul 293 (Liv. x. 39 ff.) who gained a great victory over the Etruscans, and set up a famous colossal statue of Jupiter in the Capitol (Arnold, ii. 356; Mommsen, i. 494, where Caecilius is a misprint in the E. T.). He was consul again with the same colleague L. Papirius Cursor in 272, and bore the surname Maximus (Niebuhr, iii. 348). 2. His son Sp. Carvilius Maximus, consul 234, and again in 228 (cp. Liv. xxiii. 22, xxvi. 23). Piderit and Orelli are in error in identifying this man with the Carvilius mentioned by Velleius as 'equestri loco natus:' this must have been his father. But he was probably the Sp. Carvilius Ruga 'vir nobilis' who is asserted by Gellius, iv. 3. 2 (probably erroneously: cp. Niebuhr, iii. 355) to have been the first man at Rome who divorced his wife, in B.C. 227. 3. Sp. Carvilius, the freedman of Carvilius Ruga, the first to open a grammar school at Rome, and to introduce the use of the letter G (Plutarch Quaest. Rom. 59, p. 278 D; cp. Roby, § 56; Mommsen, ii. 465). Cp. Dict. Biog. ii. 987. No. 2 seems to be intended here. Ellendt's objection that a lame man would not have aspired to high office is not of much force. But of course it may be some less known man of a later date.

11. **Glaucia**: Brut. 62. 224 'longe autem post natos homines improbissimus C. Servilius Glaucia, sed peracutus et callidus, cum primisque ridiculus:' cp.

Hor Ep ii. 2. 134 possit qui ignoscere servis et signo laeso non insanire lagenae

claudicanti 'ubi est vetus illud: num claudicat? at hic clodicat' hoc ridiculum est; et utrumque ex eo, quod in claudicatione animadverti potuit, est ductum. 'Quid hoc Navio ignavius?' severe Scipio; at in male olentem 'video me a te circumveniri' subridicule Philippus; at utrumque genus continet verbi ad litteram immutati similitudo. Ex ambiguo dicta vel argutissima 250
putantur, sed non semper in ioco, saepe etiam in gravitate versantur. Africano illi superiori coronam sibi in convivio ad caput

2. *et* incl. K. 3. *Navio* S: *Naevio* ω KP. 4. *at* incl. K. 5. *et in litteram H.* 8. *superiori H*SH: *maiori* KP.

in Cat. i. 2. 4; and for his political career Mommsen, iii. 207: 'a vulgar fellow of the lowest origin and of the most shameless street-eloquence, but effective and even dreaded by reason of his pungent wit.' For the lameness of Calvinus see note on § 246.

1. **ubi est**, § 59 (note). **num claudicat?** 'can he be trimming?' *claudicare* is often used metaphorically for 'leaning over' [cp. Lucr. vi. 1107 'et quod in Aegypto est qua mundi claudicat axis' with Munro's note], 'faltering' [Cic. de Off. i. 33. 119 'nec in ullo officio claudicare:' cp. de Nat. D. i. 38. 107 'tota res vacillat et claudicat.'] Hence it may well have been a piece of political slang, like our 'trim' [cp. Macaulay's History, vol. I, c. ii.]. The pronunciation of *o* for *au* was accounted vulgar (see note on i. 39. 178): hence *clodicare* was probably a plebeian term for limping.—The general sense is then: We used to talk about a man's trimming, but this fellow is a regular hobbler. Other interpretations have been given, but this, which is not quite identical with any that I have seen, seems the most natural. I find no reason to believe with Sorof that Calvinus was inclined to the Marian party, in that case Glaucia was not likely to jeer at him; nor with Kühner that a Clodius ('ein Hinker') was ever used for 'a good-for-nothing.' The form *Clodius* is not unknown before the time of the notorious P. Clodius, e. g. Clodius Licinus is mentioned as an early historian by Cic. de Leg. i. 2. 6; but no one of the name was a prominent politician, still less a demagogue: nor were the Clodii of this time plebeian, as Piderit supposes. There is no authoritative explanation of the fact that P. Clodius adopted this form for Claudius, that usual in his family: he is sometimes called Claudius himself.

2. **et**, 'and yet.'

3. **animadverti potuit**, 'a remark could be made.'

Navio: the MSS. seem all to have *Naevio*: but the play upon the name is much more pointed, if we suppose (with Fleckeisen, Krit. Misc. p. 52) that here as in the inferior MSS. of Valerius Maximus, ii. 3. 3, the more familiar name *Naevius*, has been substituted for the less common *Navius*. Indeed even the Cod. Bern. of Valerius, while giving *Navius* in one line, has *Naevio* eight lines lower down. Cp. however Mommsen, Röm. Forsch. ii. 421, who reads *Gnaevio*. In Liv. xxvi. 4. 10; 5. 12, the MSS. all have *Navius*, which the Dict. Biogr. (s. v. Naevius i.) wrongly regards as an error. There is nothing to determine who this Navius was, or which Scipio is meant.

4. **circumveniri**: Fleckeisen (l. c.) suggests that, as this was pronounced in conversation like *circo veniri* (cp. Roby, § 85. 2; Corp. Inscr. Lat. i. p. 603 c.), Philippus (doubtless the consul of this year 91) may have pronounced 'verbo ad litteram immutato' *hirco veniri*. Then, as *vēneo* has occasionally passive forms (Neue, ii². 328), *veniri* actually occurring in Plaut. Pers. iv. 4. 28, in Gaius, ii. 155, and iii. 146, and in inscriptions, Philippus may have wished to suggest the meaning 'I see that I am being sold (i.e. tricked) by you, you stinking fellow.' For this transferred sense of *hircus* (called by Pliny 'foedissimum animalium') cp. Catull. 71. 1; Hor. Sat. i. 2. 27 'Pastillos Rufillus olet, Gargonius hircum.' The older editors quite fail to understand the passage, and propose needless alterations. (*H in ueniri*).

5. **continet similitudo**. It would have been more natural to say 'continetur similitudine,' i. e. 'depends upon the resemblance:' we might say 'covers' here.

ad litteram, 'in respect of a single letter,' the παρονομασία of § 256.

8. **superiori**, for the more usual

adcommodanti, cum ea saepius rumperetur, P. Licinius Varus 'noli mirari,' inquit 'si non convenit, caput enim magnum est:' et laudabile et honestum; at ex eodem genere est 'Calvus satis est, quod dicit parum.' Ne multa: nullum genus est ioci, quo non
251 ex eodem severa et gravia sumantur. Atque hoc etiam animadvertendum est, non esse omnia ridicula faceta. Quid enim potest esse tam ridiculum quam sannio est? Sed ore, voltu, [imitandis moribus,] voce, denique corpore ridetur ipso; salsum hunc possum

2. *militari H.*

maiori: cp. pro Arch. 9. 22 'carus fuit Africano superiori noster Ennius;' Brut. 19. 77 'P. Crassus . . . cum superiore Africano consul fuit.'

coronam: there is an interesting account of the use of garlands at Rome in Plin. Nat. Hist. xxi. 1–4; cp. also Becker, Gallus, iii.[3] 315–324 (very incomplete in the English abridgment, pp. 496–8). Becker has overlooked this passage, as proving the existence of the custom as early as the second century B.C. The wearing of garlands was strictly confined to banquets, or rather to the *comissatio* which followed the banquet. Pliny tells us that a certain L. Fulvius, a banker at Rome, having looked out from his balcony on to the forum in the day-time with a garland of roses on his head, during the second Punic war, the senate ordered him to be carried off to prison, and he was not liberated until the end of the war.

1. **Varus**: praetor in B.C. 208 (Liv. xxvii. 22).

3. **laudabile et honestum**, 'a praiseworthy and honourable' characteristic: **caput** is of course used with a reference to his standing in the state, not to mental capacity.

Calvus satis est, quod dicit parum: 'he is a true Calvus, for he speaks very little.' There does not seem any authority for asserting that *calvus* was used in the sense of our 'bald' of style, which is rather *exilis*, *ieiunus*, or *inops*; but unless we may assume this, the joke has no point. It is a curious slip on the part of Adler, unless it is a tacit suggestion of an anachronism not easily paralleled in Cicero, to suppose that the Calvus here referred to is the famous orator of the 'Attic' school, the friend of Catullus (Brut. 82. 283 f.), for he was born in B.C. 82. Sorof supposes that *Calvus* is not a proper name, but refers to a bald-headed man: with Kayser he assumes that 'quod dicit parum' is an explanation added by Cicero: in that case 'dicebat' would seem more natural; but this Calvus may have been a contemporary of the speaker Caesar. Piderit reads with *H* and Lg. 2. 36 'Calvo satis est, quod dicit parum,' explaining 'you blame Calvus that he speaks so baldly (parum): but he is a bald-head, and for him "parum dicere" is a great thing (satis est).' The change is slight, but no improvement. That there must be some play upon the meaning of *calvus* is evident from the context. Dr. Reid removes the difficulty by inserting some word like 'eloquens' after 'satis': 'the very brevity of C. makes him eloquent.'

4. **Ne multa**: sc. dicam, 'in short,' Kühner, ii. 998, note 3. This is the true reading (not *ne multis*) in pro Cluent. 16. 47. So 'quid multa,' § 306. Lael. 21. 78. Cp. Merguet's Lexicon, iii. 223 b.

quo non ex eodem, 'such that from the same class.' Roby, § 1680, note.

7. **sannio**, 'buffoon:' cp. Nonius, s. v. Sanniones: 'qui sunt in dictis fatui, et in motibus, et in schemis (σχήμασι), quos μωροὺς vocant Graeci.' Pid. quotes in his Index a passage from Diodorus (Exc. Vatic. p. 129 D) in which the word is derived from a certain extremely comical Latin named Sannio; and Sorof follows him: but it comes more probably from *sanna* (Pers. i. 62, etc.), a sneer or grimace, as Nonius says, or from σάννας, a buffoon, quoted from Cratinus. The occurrence of Sannio as a proper name in the Adelphi of Terence points to the direct derivation of the word from the Greek, though *sanna* is doubtless akin.

8. **moribus**, if sound, must mean 'habits, tricks' of gesticulation and the like, but it is probably only a note on *vultu*, though found in Nonius: for **denique** seems to sum up what has gone before, 'in short' from his personal appearance.

dicere atque ita, non ut eius modi oratorem esse velim, sed ut
mimum. Qua re primum genus hoc, quod risum vel maxime 62
movet, non est nostrum: morosum, superstitiosum, suspiciosum,
gloriosum, stultum: naturae ridentur ipsae, quas personas agitare
solemus, non sustinere. Alterum genus est *in* imitatione ad- 252
modum ridiculum, sed nobis furtim tantum *uti* licet, si quando,
et cursim; aliter enim minime est liberale; tertium, oris de-
pravatio, non digna nobis; quartum, obscenitas, non solum non
foro digna, sed vix convivio liberorum. Detractis igitur tot rebus
ex hoc oratorio loco facetiae reliquae sunt, quae aut in re, ut ante
divisi, positae videntur esse aut in verbo; nam quod, quibus-
cumque verbis dixeris, facetum tamen est, re continetur; quod
mutatis verbis salem amittit, in verbis habet leporem omnem.

Ambigua sunt in primis acuta atque in verbo posita, non in re; 253
sed non saepe magnum risum movent; magis ut belle ut litterate
dicta laudantur; ut in illum Titium, qui cum studiose pila luderet
et idem signa sacra noctu frangere putaretur gregalesque eum, cum
in campum non venisset, requirerent, excusavit Vespa Terentius,

5. *in* addidit Madv. Adv. Crit. ii. 186. 6. *uti* add. K: non habent PS. 7. *cur similiter H.* 10. *loco* ς PS: *ioco* ς cum Lg. 2. 36, K. 15. *magnum* incl. K: om. *M* quot extant. *ut litterate M* Fr.: *et* volgo.

1. **atque ita**, 'but only with this restriction:' *atque* introduces a clause which more precisely defines the preceding clause; here in the way of limitation, more usually of stronger statement.

3. **nostrum**, sc. 'oratorum.'

4. **agitare**, § 229.

5. **sustinere**, 'to represent.' Dr. Reid plausibly proposes to transpose 'quas... sustinere' so as to follow 'stultum.'

5. **imitatione**: the abl. can hardly be defended; and we must either read with Madvig *in*, or with Harn. *imitationis*.

6. **licet**: the editors say, with *hoc genere uti* understood: if we do not accept K.'s reading, why not an extension of the common construction with a neuter pronoun? It is probable however that, as Reid suggests, 'id' has been lost after 'sed.' This second class is that referred to in § 242 'orator surripiat oportet imitationem,' a suggestion of caricature.

9. **convivio liberorum**: cp. de Off. i. 29. 104 'facilis igitur est distinctio ingenui et illiberalis ioci. Alter est, si in tempore fit aut si remisso animo, magno homine dignus, alter ne libero quidem, si rerum turpitudini adhibetur verborum obscenitas:' ib. 40. 144 'turpe enim valdeque vitiosum in re severa convivio digna aut delicatum [indecent] aliquem inferre sermonem.' The **vix** suggests a latitude, of which Cicero's own recorded jokes show that he sometimes availed himself.

10. **ex hoc oratorio loco**, 'from this branch of the subject so far as the orator is concerned.'

12. **dixeris**: Roby, § 1544.

15. **belle**, 'neatly:' § 238. **litterate**, 'in a manner that shows the accomplished man:' cp. Brut. 28. 108 'L. Furius Philus perbene Latine loqui putabatur litteratiusque quam ceteri.'

16. **Titium**: Introd. p. 14.

17. **signa sacra frangere.** Alcibiades was accused of having taken part in the nocturnal mutilation of the Hermae at Athens; hence doubtless Mommsen's nickname for Titius 'a caricatured Alcibiades.'

18. **in campum**, sc. 'ut pila luderet.'

Vespa Terentius, quite unknown: we have in the position of his cognomen an early instance in prose of the inversion which is common under the empire, but

quod eum bracchium fregisse diceret; ut illud Africani, quod est apud Lucilium

Quid Decius? Nuculam an confixum vis facere? inquit:

254 ut tuus amicus, Crasse, Granius, 'non esse sextantis.' Et si quaeritis, is, qui appellatur dicax, hoc genere maxime excellet; sed risum movent alia maiorem. Ambiguum per se ipsum probatur id quidem, ut ante dixi, vel maxime; ingeniosi enim videtur vim verbi in aliud, atque ceteri accipiant, posse ducere; sed admirationem magis quam risum movet, nisi si quando incidit in aliud quoque genus ridiculi, quae genera percurram equidem.

63 Sed scitis esse notissimum ridiculi genus, cum aliud exspectamus,

255 aliud dicitur: hic nobismet ipsis noster error risum movet: quodsi admixtum est etiam ambiguum, fit salsius; ut apud Novium

1. *dicitis H.* 6. *risum . . maiorem H* Fr. legebatur *risus . . maiores.* 10. *quoque H* Fr.

very rare in Cicero, except in his letters. Cp. however § 283. Cp. Mommsen, Röm. Forsch. i. 41, note 67. Seyffert on Lael. 11. 39.

1. **quod diceret**: Roby, § 1746.

bracchium fregisse, 'had broken an arm,' leaving it ambiguous whether it was his own or that of one of the statues: *bracchium* (so *H*) is the only legitimate orthography.

3. **Quid Decius?** etc.

No satisfactory suggestion has been made as yet for the interpretation of this line, which is very corrupt in *H* (after a lacuna *cani quod est apud Lucilium quid spaedius nuculane conficere inquit*), and I have none to offer. Festus, p. 173, says 'Nuculas Praenestinos antiqui appellabant, quod inclusi a Poenis Casilini famem nucibus sustentarunt;' but this does not help us much. There may possibly be some contrast intended between the pliancy of a hazel and *confixum*, which though generally meaning 'pierced,' may perhaps be 'fastened firmly.' Render then 'What is Decius aiming at? Are you wishing to make Nucula (Mr. Bush) firm and steadfast? says he.' For the noun and a verb in the third person understood, where we might have expected the vocative, cp. Hor. Sat. ii. 4. 1 'Unde et quo Catius?' with Orelli's note, and Plat. Menexenus, ad init. Ἐξ ἀγορᾶς ἢ πόθεν Μενέξενος; There seems no support for Ernesti's notion that *confixum* meant 'fricassee,' and Muther's conjecture in Fleck. Jahrb. 1884, p. 598, 'quid decies nuculam in confixum vis iacere' does not help us much.

4. **non esse sextantis**: (said a man) 'was not to be valued at a farthing;' which according to the accent of the speaker might imply that he was worth less, or more. Some have supposed the ambiguity to lie in the possibility of dividing *sextantis* into *sex tantis* 'six times as much.' This is good enough Latin: cp. Plaut. Trin. 530 'tribus tantis illi minus redit quam opseueris:' but is not likely to be the point here.

7. **id quidem**, concessive, 'indeed:' Roby, § 2259.

8. **vim . . . ducere**, 'to give a different turn to the force of a word from what others are taking it to mean.'

9. **incidit in**, 'coincides with.'

11. **Sed scitis**: Adler reads *ac scitis* without any MS. authority, on the ground that no contrast is implied: but *sed* is often not much more than transitional. 'I will run over those classes. But I need hardly mention, for you know it already, that the most familiar,' etc.: this seems to be the connexion of thought.

cum aliud expectamus, the ἀπροσδόκητον, so common in Aristophanes, and often very happily used by Pope: e.g. 'Or stain her honour or her new brocade.'

13. **Novium**, a writer of Atellan plays, contemporary with the speaker: cp. Teuffel, Rom. Lit. § 125. 3. Ribbeck, Com. Lat. pp. 215–230. Here, as often, he is confused in many MSS. with Naevius.

videtur esse misericors ille, qui iudicatum duci videns percontatur ita: 'quanti addictus?' 'Mille nummum.' Si addidisset tantummodo 'ducas licet;' esset illud genus ridiculi praeter exspectationem; sed quia addidit 'nihil addo, ducas licet;' addito ambiguo [altero genere ridiculi], fuit, ut mihi quidem videtur, salsissimus. Hoc tum est venustissimum, cum in altercatione adripitur ab adversario verbum et ex eo, ut a Catulo in Philippum, in eum ipsum aliquid, qui lacessivit, infligitur. Sed 256
cum plura sint ambigui genera, de quibus est doctrina quaedam subtilior, attendere et aucupari verba oportebit; in quo, ut ea, quae sint frigidiora, vitemus,—est enim cavendum, ne arcessitum dictum putetur—permulta tamen acute dicemus. Alterum genus est, quod habet parvam verbi immutationem, quod in littera positum Graeci vocant παρονομασίαν, ut 'Nobiliorem mobiliorem'

5. *altero* [*ambiguo*] K: [*altero*] *ambiguo* S. *ambiguo, altero genere* P. [*altero genere ridiculi*] H. *addito ambiguo altero ambiguo altero genere H.* 11. *est enim cavendum* S: *etenim cavendum est* K: *est* non habent codices plerique.

1. **iudicatum duci.** When judgment was given against a debtor he was allowed thirty days within which to raise the money due. If it was not paid within this time, he was summoned before the praetor, and by him 'assigned' to the creditor, who could imprison him in chains. Sixty further days of grace were allowed, within which time he had to be produced before the praetor on three successive *nundinae*, 'quantaeque pecuniae iudicatus esset, praedicabatur.' After the third *nundinae* the debtor might be put to death or sold across the Tiber. This is the account given by Gellius, xx. 1. 42–47, referring however to an earlier period than that of Novius.—Cp. Legg. xii Tabb. iii. in Schoell, Bruns or Wordsworth's Fragments and Specimens, and for a discussion of the process the article *Nexus* in the Dict. Ant.—Here the bystander asks the amount of the debt for which the man was assigned. The answer is 'for a thousand sesterces.' If he had added 'you may take him away,' repeating, we may suppose, the formal phrase in which the praetor adjudged a debtor to his creditor, this would have been an unexpected answer, but he says also 'I will go no further,' as if bidding at an auction, and thinking the article for sale worth no more: hence the witty ambiguity. For the construction of *mille*, cp. Roby, § 1305, and Gell. i. 16. This usage is regular in Plautus and Lucilius, very rare in later poets. Cp. Dräger, Hist. Synt. i. 96; Palmer on Hor. Sat. ii. 3. 197.

5. **ambiguo**, etc.: the reading of these words is doubtful. Pid. retains all three, taking *ambiguo* as a substantive 'by the addition of the ambiguity:' as just above, and in § 111. I formerly preferred to reject *ambiguo* as an explanatory gloss with Kayser, rather than *altero* with Sorof. But the fact that the best MSS. have *ambiguo altero* not *altero ambiguo* points to Harn.'s view.

7. **adripitur**, § 89. **a Catulo**, § 220.

9. **plura ambigui genera**, § 111.

10. **aucupari**, § 30; i. 55. 236; pro Caec. 18. 52 'sermo hercule et familiaris et cotidianus non cohaerebit, si verba inter nos aucupabimur.'

attendere et aucupari, practically form a hendiadys; 'to be on the watch to catch up words.'

in quo, 'in doing which.' **ut**, 'although.'

14. **παρανομασίαν**, in Latin *adnominationem*, including both 'assonance' and 'alliteration.' Cp. Volkmann, p. 479 ff. The expression is one later than Aristotle, who only talks of ἴσα σχήματα.

Nobiliorem, consul 189, conqueror of the Aetolians in a campaign in which he was accompanied by the poet Ennius. Cato's taunt may have been due to the favour shewn by Fulvius to literature, and especially to Greek culture

Cato; aut, ut idem, cum cuidam dixisset 'eamus deambulatum' et ille 'quid opus fuit de?' 'Immo vero' inquit 'quid opus fuit te?' Aut eiusdem responsio illa 'si tu et adversus et aversus im-
257 pudicus es.' Etiam interpretatio nominis habet acumen, cum ad ridiculum convertas, quam ob rem ita quis vocetur; ut ego nuper Nummium divisorem, ut Neoptolemum ad Troiam, sic illum in
64 campo Martio nomen invenisse; atque haec omnia verbo continentur. Saepe etiam versus facete interponitur, vel ut est vel paululum immutatus, aut aliqua pars versus, ut Statii a Scauro stomachante; ex quo sunt non nulli, qui tuam legem de civitate natam, Crasse, dicant:

st, tacete, quid hoc clamoris? Quibus nec mater nec pater,
tanta confidentia? Auferte istam enim superbiam.

Nam in Caelio sane etiam ad causam utile fuit tuum illud, Antoni,

3. *et aversus* om. *H.* 9. *Statii Scauro stomachante* Bakio auctore KPSH: *Statius S. stomachanti* ω (*Satius H*).

(Brut. 20. 79; Tusc. D. i. 2. 3; pro Arch. 11. 27) or to the readiness with which he conferred distinction upon his soldiers for slight services (Gell. v. 6. 24).

1. **deambulatum**, a word used by the earlier writers, e. g. by Cato himself (R. R. § 127 'aegrotus saliat decies et deambulet') and Terence; but out of fashion in the classical period. Cato replies angrily to a critic censuring his old-fashioned phrase:—'what need of *through?*' 'Nay, rather what need of *you?*'

6. **Nummium divisorem**, 'the bribery agent,' not unlike the 'ward-captains' of English elections; not to be confused with the *diribitores*, who were officials charged with the distribution of the ballot-tickets, as has been shown by Madvig (de Ascon. p. 134, note) and Wunder (pro Planc. p. 78). As Pyrrhus the son of Achilles got the name 'Neoptolemus' because he came when young to the siege of Troy, so Caesar said that Nummius had got his name from distributing *nummi* at the elections. The name Nummius does not seem to occur elsewhere before the time of the Empire.

9. **paululum** given only here by the better MSS. of this work, though the inferior often substitute it for *paulum*. Cp. § 242.

Statii, § 40. **Scauro**, § 197. The reading of the MSS. would represent the verse as addressed by some unknown Statius to Scaurus, and to contain a taunt directed against the poverty of his father; but in spite of this poverty Scaurus belonged to one of the most illustrious patrician families of Rome. Hence all recent editors have justly adopted Bake's conjecture.

10. **tuam legem**: Introd. p. 10.

12. **st, tacete**, etc., trochaic tetrameters; catalectic: *quĭd hōc* is scanned *quĭd hŏ*, as often in Plautus and Terence (cp. Wagner's Introduction to the Aulularia, B–E), in *quibus* the *s* is dropped: cp. note on i. 45. 198. *St* is a monosyllable, as often in Plautus and Terence, e. g. Phorm. 743. Cp. Madvig on de Fin. ii. 94 (ed. 3). The Italians in the *contio* would have no legal parentage from the point of view of Roman law.

14. **in Caelio**: Antonius was accused *de ambitu* by Duronius, whom during his censorship he had expelled from the senate (§ 274). It may be conjectured that Caelius had given evidence that he had supplied money through his son to be used for bribery on behalf of Antonius; and that the defence of Antonius was that the money had been got out of the father by his profligate son by means of a false story, and had been squandered by him on his own pleasures. Experience has often shown that money supplied by the candidates or their friends for purposes of bribery does not always get beyond the pockets of the agents.

Arch. 11. 27 Iam vero ille, qui cum Aetolis Ennio comite bellavit, Fulvius, non dubitavit Martis manubias Musis consecrare.
T. D. i. 2. 3 [Cato] obiecit ut probrum M. Nobiliori quod is in provinciam poetas duxisset. Duxerat autem consul ille in Aetoliam, ut scimus, Ennium

cum ille a se pecuniam profectam diceret testis et haberet filium delicatiorem, abeunte iam illo,

sentin senem esse tactum triginta minis?

In hoc genus coniciuntur etiam proverbia, ut illud Scipionis, cum 258
Asellus omnis se provincias stipendia merentem peragrasse gloriaretur: 'agas asellum' et cetera; qua re ea quoque, quoniam mutatis verbis non possunt retinere eandem venustatem, non in re, sed in verbis posita ducantur. Est etiam in verbo 259
positum non insulsum genus ex eo, cum ad verbum, non ad sententiam rem accipere videare; ex quo uno genere totus est Tutor, mimus vetus, oppido ridiculus. Sed abeo a mimis; tantum huius genus ridiculi insigni aliqua et nota re notari volo; est autem ex hoc genere illud, quod tu, Crasse, nuper ei, qui te rogasset, num tibi molestus esset futurus, si ad te bene ante lucem venisset, 'tu vero' inquisti 'molestus non eris.' 'Iubebis igitur te' inquit 'suscitari?' Et tu 'certe negaram te molestum futurum.' Ex eodem hoc vetus illud est, quod aiunt Malu- 260

2. *aetate illo H.* 4. *etiam H.* om. ς. 6. *et cetera* incl. K. *et* incl. Reid. 11. *a* om. *H.*

3. **sentin**: for *sentisne:* (cp. Roby, § 193, id. S. G. § 885). The verse is iambic trimeter: its author is unknown. **Tangere** is often used by the comic poets for 'to cheat out of:' cp. Plaut. Epid. 705 (Goetz) 'istam ob rem te tetigi triginta mineis.' So 'ferire' and our 'hit.'

5. Ti. Claudius **Asellus** was expelled by Scipio in his censorship (B.C. 142) from the equestrian order (Gell. iii. 4. 1 'cui equum in censura ademerat'), and in revenge when tribune in B.C. 139 prosecuted him for having brought a plague upon Rome by not delivering aright the customary prayer at the lustration. We have no evidence as to the nature of the plague, but cp. § 268. Scipio instead of praying 'ut pop. Rom. res meliores ampliores faciant,' had prayed 'ut p. R. res perpetuo incolumis servent' (Val. Max. iv. 1. 10: cp. Mommsen, iii. 87). Doubtless on this occasion Asellus complained of his degradation, and boasted of having served in every province. Scipio rejoined by quoting part of the proverb 'agas asellum, cursum non docebitur.' Cp. Hor. Sat. i. 1. 90, 91 'infelix operam perdas ut si quis asellum in campo doceat parentem currere frenis,' where Comm. Cruq. says 'est autem proverbiale schema *docere asinum currere.*' This is better than to suppose, with many editors and the Dict. Biog., that there is a reference to the Greek proverb *εἰ μὴ δύναιο βοῦν, ἔλαυνε ὄνον*, assuming the point to be that his various commanders had taken Asellus, because they could get no one better.

9. **ad verbum**, 'literally.'

11. **Tutor**, not mentioned elsewhere.

oppido: cp. Quint. viii. 3. 36 '*oppido* quidem usi sunt paulum tempore nostro superiores, vereor ut iam nos ferat quisquam.' Corssen, ii. 870 and Curtius, i. 304, explain the word as properly 'on the ground,' hence 'firmly, surely, certainly.' Cp. ἔμπεδον, Roby, § 511. Fest. p. 184, Müll. gives the absurd derivation 'vel oppido satis;' though doubtless, *oppidum* 'a country-town,' is of the same origin. This is one of the words common in the comic writers, and in Cicero's letters, but not used in his speeches.

tantum volo, 'I merely wish.'

14. **bene**: like our '*well* before:' cp. § 361, and *bona pars*, § 14: so ad Att. iv. 9. 2; 10. 16 *bene mane haec scripsi.* This use is found in the speeches, though not very commonly: e.g. pro Mur. 33. 69 'obviam cum bene magna caterva sua venit.'

15. **molestus**: the ambiguity is as clear in English as in Latin. 'No, you won't trouble me.'

ginensem illum [M.] Scipionem, cum ex centuria sua renuntiaret Acidinum consulem praecoque dixisset ‘dic de L. Manlio:’ ‘virum bonum’ inquit ‘egregiumque civem esse arbitror.’ Ridicule etiam illud L. [Porcius] Nasica censori Catoni; cum ille ‘ex tui animi sententia tu uxorem habes?’ ‘Non hercule’ inquit ‘ex mei animi sententia.’ Haec aut frigida sunt aut tum salsa, cum aliud est exspectatum. Natura enim nos, ut ante dixi, noster delectat error; ex quo, cum quasi decepti sumus exspectatione,
65 ridemus. In verbis etiam illa sunt, quae aut ex immu-
261 tata oratione ducuntur aut ex unius verbi translatione aut ex

3. [*que*] [*esse*] *H*HFr. 9. *rei ridemus H.* 10. *tralatione H*[1].

1. [**M.**] **Scipionem**: the praenomen found in most of the MSS., and retained even by Piderit and Adler (not by Harn.), cannot stand here; its position would be quite unexampled, except in poets. In *H illum* has been corrected into illū. m. by a later hand.

ex centuria sua: the vote of the century was reported to the presiding magistrate (at consular elections always a consul), by the *rogator*, who, previous to the ‘lex Gabinia tabellaria,’ of B.C. 139, collected the votes of the citizens orally, and entered them by dots pricked against the name of each candidate (hence the phrase *puncta ferre*: Liv. x. 13. 22, etc.). When Scipio Maluginensis (praetor in B.C. 176: Liv. xli. 14 and 47) was asked at the consular election of B.C. 180 how his century had voted with respect to L. Manlius Acidinus, he chose to take the formal question of the *praeco* as an enquiry as to his own opinion of Manlius, a joke παρὰ προσδοκίαν. Some editors have tried to force some further meaning out of his words, but quite needlessly.

renuntiare is much more commonly used of the formal announcement of an election by the presiding magistrate, either personally, or through the *praecones*, as in pro Mur. 1. 1 ‘comitiis centuriatis L. Murenam consulem renuntiavi:’ but cp. Varro, R. R. iii. 17 ‘coepti sunt a praecone renuntiari, quem quaeque tribus fecerit aedilem;’ de Imp. Pomp. 1. 2 ‘ter praetor primus centuriis cunctis renuntiatus sum.’

4. **L.** [**Porcius**] **Nasica**: the cognomen *Nasica* never belonged to any family of the *Porcia gens*; it is found only belonging to a family of the Scipios. Hence it cannot be genuine here: it is better to strike it out altogether, than to read with the earlier editors ‘Porcio Catoni.’ A L. Porcius was consul with P. Claudius in B.C. 149, when Cato was censor (Brut. 15. 60). A copyist may have had an untimely remembrance of this; but it is more likely that the *Porcius* is a gloss on ‘Catoni.’ *M* give *Porcium*.

ex tui animi sententia, a common formula in oaths or solemn affirmations: cp. Liv. xxii. 53. 10 ‘ex mei animi sententia, inquit [iuro], ut ego rem pub. p. R. non deseram, neque alium civem Romanum deserere patiar:’ ib. xxiii. 15. 8 ‘ita ius iurandum adigebant, ex tui animi sententia tu ex edicto in Macedoniam redibis.’ Acad. ii. 47. 146 ‘[maiores] primum iurare ex sui animi sententia quemque voluerunt.’ So Quint. viii. 5. 1 ‘sententiam veteres quod animo sensissent, vocaverunt; nam et iuraturi ex animi nostri sententia et gratulantes ex sententia dicimus.’ Hence it also meant ‘according to your heart's desire.’ Cato in revising the list of citizens required of Nasica the usual solemn declaration whether he was married; Nasica took up the phrase in its more familiar meaning: we may perhaps retain something of the ambiguity by rendering ‘To the best of your judgment.’ Gellius, who tells the story without mentioning names (iv. 20), adds that the result of this unseasonable wit was the degradation of the joker into the ranks of the *aerarii*, ‘quia intempestive lascivisset.’ Unmarried men had to pay an extra tax, known as the *aes uxorium*. Cp. Fest. s. v. and Val. Max. ii. 9. 1.

7. **ante dixi**, § 255.

9. **ex immutata oratione**, ‘from allegorical language,’ called by Quintil. viii. 6. 44 ‘inversio:’ cp. iii. 41. 166 and τρόποι in Brut. 69.

10. **translatione**, ‘metaphorical use,’ iii. 38. 155.

inversione verborum. Ex immutatione, ut olim Rusca cum legem ferret annalem, dissuasor M. Servilius 'dic mihi,' inquit 'M. Pinari, num, si contra te dixero, mihi male dicturus es, ut ceteris fecisti?' 'Ut sementem feceris, ita metes' inquit. Ex translatione 262
autem, ut, cum Scipio ille maior Corinthiis statuam pollicentibus eo loco, ubi aliorum essent imperatorum, turmalis dixit displicere. Invertuntur autem verba, ut, Crassus apud M. Pepernam iudicem pro Aculeone cum diceret, aderat contra Aculeonem Gratidiano L. Aelius Lamia, deformis, ut nostis; qui cum interpellaret odiose, 'audiamus' inquit 'pulchellum puerum' Crassus; cum esset adrisum, 'non potui mihi' inquit Lamia 'formam ipse fingere, ingenium potui;' tum hic 'audiamus' inquit 'disertum:' multo etiam adrisum est vehementius. Sunt etiam illa venusta ut in gravibus sententiis, sic in facetiis—dixi

1. **inversione verborum,** 'irony:' Quint. viii. 6. 54 'in eo genere, quo contraria ostenduntur, ironia est: illusionem vocant.' Reid on Acad. ii. 16.

Rusca, not otherwise known. Livy, xl. 18, mentions a M. Pinarius Posca as praetor in B.C. 181. According to Livy, xl. 44 it was the *Lex Annalis* of L. Villius (tr. pl. B.C. 184) which first fixed 'quot annos nati quemque magistratum peterent caperentve:' but it appears from his own account of the election of Scipio as aedile in B.C. 213 (xxv. 2), that a limit of age had already been fixed. Cp. Mommsen, Röm. St. i. 545. Polyb. iv. 19 says that no man was allowed to hold any political office until he had served in ten campaigns, i.e. till he was 27 years old.

3. **dicturus es**: these words are not subordinate to 'dic mihi,' but coordinate: hence the mood. In Plautus and Terence we find numerous instances, which look as if the rule for 'dependent interrogatives' was violated. For this usage, cp. E. Becker, 'De Syntaxi interrogationum obliquarum' in Studemund's Studien, i. 115 ff. Roby, § 1761.

4. **ut sementem feceris**: cp. Ar. Rhet. iii. 3. 4 *σὺ δὲ ταῦτα αἰσχρῶς μὲν ἔσπειρας, κακῶς δὲ ἐθέρισας.* So 2 Cor. ix. 6 *ὁ σπείρων φειδομένως, φειδομένως καὶ θερίσει· καὶ ὁ σπείρων ἐπ' εὐλογίαις, ἐπ' εὐλογίαις καὶ θερίσει*: Gal. vi. 7 *ὃ γὰρ ἐὰν σπείρῃ ἄνθρωπος, τοῦτο καὶ θερίσει.*

6. **turmalis,** properly 'men belonging to the same squadron:' probably an equestrian statue was offered to Scipio, when he answered 'he did not like the men with whom he was squadded,' doubtless referring both to the number and to the character of those who had received the same distinction at Corinth. Cp. Vell. i. 11 'Metellus . . . qui hanc turmam statuarum equestrium, quae pontem equitum spectant, hodieque maximum ornamentum loci, ex Macedonia detulit.' Probably the honour so declined was offered to Scipio when he accompanied his brother L. Scipio Asiaticus to Greece on his way to the war with Antiochus.

7. **invertuntur**: 'are used in irony.'

Perperna was probably the man who was consul in B.C. 92: a single *iudex* was competent to hear a civil suit *in iudicio,* when the case had been put into the proper form by the praetor *in iure.* Piderit (and Sorof after him) gives the date of B.C. 97 for this trial, apparently following the notion of some old editors that Perperna was praetor at the time of the trial, Pighius having fixed (on conjecture) that year as the date of his praetorship.

8. **Aculeone**: cp. § 2.

9. **Gratidiano**: i. 39. 178.

11. **adrisum,** as usually, of an approving laugh.

13. **disertum**: doubtless Lamia (of whom nothing further is known) was a very poor speaker.

14. **illa**: sc. verba relata contrarie, 'words sharply contrasted in antithesis:' Or. 50. 166 'quae Graeci *ἀντίθετα* nominant, cum contrariis opponuntur contraria.'

enim dudum rationem aliam esse ioci, aliam severitatis, gravium
263 autem et iocorum unam esse materiam—ornant igitur in primis
orationem verba relata contrarie, quod idem genus saepe est
etiam facetum, ut, Servius ille Galba cum iudices L. Scribonio
tribuno plebis ferret familiaris suos et dixisset Libo 'quando
tandem, Galba, de triclinio tuo exibis?' 'cum tu' inquit 'de
cubiculo alieno.' A quo genere ne illud quidem plurimum
distat, quod Glaucia Metello 'villam in Tiburti habes, cortem
in Palatio.'

66 Ac verborum quidem genera, quae essent faceta, dixisse me
264 puto; rerum plura sunt, eaque magis, ut dixi ante, ridentur; in
quibus est narratio, res sane difficilis; exprimenda enim sunt et
ponenda ante oculos ea, quae videantur et veri similia, quod est

4. *Galba* om. *M.* 8. *Tiburti HS. Tiburte ω.*

1. **dudum**, 'just now:' i. 47. 206 (note).

2. **igitur**, 'I say;' resumptive after the parenthesis.

4. **Servius Galba**. For his prosecution by Scribonius Libo see note on i. 10. 40. The defendant in a civil suit had the right of proposing to the plaintiff a *iudex* from the *album iudicum* to decide the *sponsio* which put the question at issue into a form for decision, but the plaintiff could refuse to accept any of those proposed (§ 285); for as Cicero says (pro Cluent. 43. 120) 'neminem voluerunt maiores nostri non modo de existimatione cuiusquam, sed ne pecuniaria quidem de re minima esse iudicem, nisi qui inter adversarios convenisset.' But this of course did not apply to a prosecution before the people: hence we must suppose that this story refers to some other suit between Galba and Libo. There can be no question here of *iudices editicii*, as some have supposed: these were strictly limited to a particular kind of prosecution. There is some reason to believe that in the *Lex Servilia de repetundis* (B.C. 105), each party named (*edebat*) 100 iudices, and challenged 50 of those nominated by the other side: if we may assume that there was some provision of this kind in the *Lex Calpurnia* in force at the time of Galba's misgovernment, this would supply an explanation of the circumstance here described.

6. **de triclinio tuo**, i.e. the circle of your own intimate friends, who are wont to dine with you.

de cubiculo alieno: 'intellegi voluit, Libonem fuisse moechum.' Pearce.

8. **Glaucia**, § 249. **Metellus**, the consul of B.C. 109, who took part in the war against Jugurtha; he was in politics strongly opposed to the demagogue Glaucia.

cortem, 'farm-yard,' identical with *cohors*, but commonly contracted in this sense. Nonius, p. 83, says 'cortes sunt villarum intra maceriam spatia.' The word is often used by Cato (uncontracted), Varro, and Columella with this meaning. Notice how our word 'court' comes in one of its uses from this application of the word, in another from the usage often found in post-Augustan writers of the retinue of a prince. The meaning of the joke is plain enough, though it has been much discussed: 'your farm is at Tibur, but your farm-yard on the Palatine,' i.e. you have in your town-house a number of retainers, clients, etc., who are nothing but *pecora*, whose proper place is in the farm-yard. With 'Tiburti' is understood 'agro.'

§§ 264–290. *Caesar now gives the various divisions of wit, depending not upon the expression but upon the substance of the thought. The subdivisions are very numerous, and are separately illustrated, but the main heads are six:* (1) *deceiving of expectation;* (2) *caricature;* (3) *comparison with something ugly or disgraceful;* (4) *irony;* (5) *assumed simplicity;* (6) *the lashing of folly.*

11. **dixi ante**, § 254.

12. **narratio**, § 240.

proprium narrationis, et quae sint, quod ridiculi proprium est, subturpia; cuius exemplum, ut brevissimum, sit sane illud, quod ante posui, Crassi de Memmio. Et ad hoc genus ascribamus etiam narrationes apologorum; trahitur etiam aliquid ex historia, 265
ut, cum Sex. Titius se Cassandram esse diceret, 'multos' inquit Antonius 'possum tuos Aiaces Oileos nominare.' Est etiam ex similitudine, quae aut conlationem habet aut tamquam imaginem: conlationem, ut ille Gallus olim testis in Pisonem, cum innumerabilem Magio praefecto pecuniam dixisset datam idque Scaurus tenuitate Magii redargueret, 'erras,' inquit 'Scaure; ego enim Magium non conservasse dico, sed tamquam nudus nuces legeret, in ventre abstulisse;' ut illud M. Cicero senex, huius viri optimi, nostri familiaris, pater, 'nostros homines similis esse Syrorum venalium: ut quisque optime Graece

1. **et quae sint**: a slight irregularity of construction, as though 'quae et videantur veri similia' had preceded.

2. **subturpia**, 'somewhat discreditable.'

ut brevissimum, 'as being a very brief one:' there is no need of Orelli's conjecture 'ut brevis sim' adopted by Henr. and Ellendt.

sit sane: 'you may take, if you please:' i. 55. 235.

3. **de Memmio**, § 240.

4. **apologorum**, 'fables,' like that of the town and country mouse in Horace (Sat. ii. 6. 79 ff.), or the belly and the members in Liv. ii. 32. 9.

trahitur, 'is borrowed.'

5. **Cassandram**: i.e. no one believed his warnings. For Cassandra's uncredited prophecies cp. Verg. Aen. ii. 246, with Servius ad loc. and the references of the commentators: for the outrages offered her by Ajax Oileus, ib. i. 41, with the notes, and Dict. Biog. i. 88 a. It is not quite clear whether **Oileos** is here acc. plur. or a Greek gen. sing. (Roby, § 482): Ov. Met. xii. 617 has 'non audet Oileos Aiax:' and Cic. Tusc. iii. 29. 71 mentions Oileus as the father of Aiax: hence Conington on Aen. i. 46 regards the latter as the more probable. But Seneca Med. 661 has Oileus as the surname of Aiax, 'fulmine et ponto moriens Oileus,' and as the attributive genitive for the father's name is not common in Latin, except for special emphasis, it may be better to take it as an adjective. The dictt. quote 'Oilēus' as an adjective from Hyginus and Dictys.

7. **conlationem**, 'comparison.'

8. **Gallus.** Nothing is known of Gallus or Magius. It is evident that Scaurus (§ 257) was defending a certain Piso—we cannot determine which, but probably the consul of B.C. 112, No. 5 in Dict. Biog.—when prosecuted for extortion: Gallus gave evidence that a very large sum of money had been paid to Magius, one of the praefecti of Piso (i.e. one of the members of his staff nominated for special duty: Marquardt, Staatsverw. i. 412); Scaurus alleged in disproof of this that Magius was very poor: Gallus retorted that he had wasted the money in gluttony.

12. **nudus** = γυμνός (St. John xxi. 7): i.e. with only his tunic on (Mayor, Juv. iv. 49), which would have no *sinus*, that could be used as a pocket. Cp. Verg. Georg. i. 299 'nudus ara, sere nudus:' and for *sinus* as a pocket, Mayor on Juv. i. 88.

illud, sc. 'dixit.'

M. Cicero, the grandfather of the orator. Harn. doubts whether *huius* can be sound, as suggesting the presence of the writer's father at the discussion. But it only means 'of our own time.' For the hostility of the old-fashioned Romans to Greek literature and philosophy cp. Cato's advice to his son, quoted by Pliny, N. H. xxix. 7. 14; (Wordsworth's Specimens, p. 342); Mommsen, ii. 407, 414 ff. For Syria as a source of the slave-supply cp. Mommsen, iii. 78.

14. **Graece sciret**: cp. note in Mayor on Juv. i. 104.

266 sciret, ita esse nequissimum.' Valde autem ridentur etiam imagines, quae fere in deformitatem aut in aliquod vitium corporis ducuntur cum similitudine turpioris: ut meum illud in Helvium Manciam 'iam ostendam cuius modi sis,' cum ille 'ostende, quaeso;' demonstravi digito pictum Gallum in Mariano scuto Cimbrico sub Novis distortum, eiecta lingua, buccis fluentibus; risus est commotus; nihil tam Manciae simile visum est; ut cum Tito Pinario mentum in dicendo intorquenti: 'tum
267 ut diceret, si quid vellet, si nucem fregisset.' Etiam illa, quae minuendi aut augendi causa ad incredibilem admirationem efferuntur; velut tu, Crasse, in contione: 'ita sibi ipsum mag-

8. *incidendo H.*

2. **imagines**, 'portraits.'

3. **ducuntur in**, 'are directed against' (cp. § 254). Sorof holds that *ducere* must be used here, as in Plin. N. H. vii. 38 'idem hic imperator [Alexander] edixit ne quis ipsum alius . . . quam Lysippus ex aere duceret' and elsewhere, of *shaping* a portrait; but this force is nowhere found in Cicero, and in other writers it seems to be always used of casting out of metal, or carving of stone: so that we can hardly venture to introduce it here. Ell. says '*duci* imagines *in deformitatem* videatur, quae deflectuntur sive detorquentur. Dura tamen locutio est, nec absimilis veri Bakii suspicio *imagines* delentis et scribentis *dicuntur*.' I do not think the alteration necessary: even supposing that *imagines* is a marginal gloss, the corruption of *dicuntur* would not be easy to explain. Harn. takes the word literally of daubs carried round by quacks to point out some defect or deformity, which they profess themselves able to cure.

cum similitudine turpioris, 'resembling in some point of personal defect.'

4. **Helvium**: unknown.

5. **Gallum**: the Cimbri were often spoken of as Galli; e.g. de Prov. Cons. 13. 32 'C. Marius influentes in Italiam Gallorum maximas copias repressit:' Mommsen's view (iii. 178–9) is that they were Germans, but that their army included Celtic elements. A shield captured by Marius in the war with the Cimbri was hanging up for a sign (as Quintilian, vi. 3. 38, says) on one of the 'New Shops' along the north-eastern side of the Forum, within sight of the court in which Caesar was pleading. Cp. Burn (Rome and the Campagna, p. 90), who by a slip ascribes this jest to Cicero. Pliny, N. H. xxxv. 25 (Detl.) tells the story somewhat differently: 'deinde video et in foro [tabulas] positas vulgo; hinc enim ille Crassi oratoris lepos agentis sub Veteribus, cum testis compellatus instaret: dic ergo, Crasse, qualem me noris? Talem, inquit, ostendens in tabula pictum inficetissime Gallum exserentem linguam.' In Liv. ix. 40 it is said that the captured Samnite shields adorned with silver and gold were distributed by the dictator among the owners of the banking shops to be hung up for the adornment of the Forum: but these seem only to have been displayed on special occasions. Hence it is not clear that, as Mr. Burn says, these shields were hung up by Marius: Quintilian's statement is more probably correct.

7. **fluentibus**, 'loose, hanging:' Nägelsb. p. 379.

8. **ut cum Tito Pinario**: 'just as when (I said) to T. Pinarius that he must speak, if he wanted to say anything, when he had done cracking his nut.' For **tum** with a conditional clause cp. Cic. ad Fam. ii. 10. 3 'quod si, ut spero, cepero, tum vero litteras publice mittam.' The *oratio recta* here would be 'tum dic, si quid vis, si nucem fregeris.'

10. **minuendi**. Macrob. Sat. ii. 3. 3, tells us that Cicero seeing his son-in-law Lentulus Dolabella, a very short man, girded with a long sword asked 'quis generum meum ad gladium adligavit?'

ad incredibilem admirationem efferuntur: 'are exaggerated till they are quite incredible.' Nägelsb. Stil. p. 85.

num videri Memmium, ut in forum descendens caput ad fornicem Fabianum demitteret;' ex quo genere etiam illud est, quod Scipio apud Numantiam, cum stomacharetur cum C. Metello, dixisse dicitur: 'si quintum pareret mater eius, asinum fuisse parituram.' Arguta est etiam significatio, cum parva 268
re et saepe verbo res obscura et latens inlustratur; ut, cum C. Fabricio P. Cornelius, homo, ut existimabatur, avarus et furax, sed egregie fortis et bonus imperator, gratias ageret, quod se homo inimicus consulem fecisset, bello praesertim magno et gravi 'nihil est, quod mihi gratias agas,' inquit 'si malui compilari quam venire;' ut Asello Africanus obicienti lustrum illud

2. *Fabianum MK*: *Fabii* PS. Hic tamen scriptum voluit *Fabium,* collato Quint. vi. 3. 67. 9. *homo* om. *M.*

1. **ad fornicem Fabianum**: cp. Burn's Rome, pp. 78, 104. Cp. in Verr. Act. i.§19; Pseudo-Ascon. ad Verr. i.c.7; Sen. Const. Sap. i. 3; who give *Fabianum* not *Fabii*, or *Fabium*. Quintilian seems to miss the point here (vi. 3. 67): 'An non plurima καθ' ὑπερβολὴν dicuntur? Quale Cicero de Memmio homine praelongo caput eum ad fornicem Fabium offendisse.' There is nothing to show that Memmius was really tall. Crassus meant that he usually held his head so high in his arrogance that he thought he must stoop when going down into the Forum under the Fabian arch.

3. **C. Metello,** the fourth and least distinguished son of the illustrious Q. Metellus Macedonicus (i. 49. 211, note). This man was consul B.C. 113 (No. 10 in Dict. Biog.). Scipio meant that the brothers fell off so rapidly in intellectual powers, that if there had been a fifth son, he would have been an ass.

For **asinus** used colloquially just like our 'ass,' but with the notion of obstinacy more prominent than that of dulness, cp. Cic. ad Att. iv. 5. 3, 'Scio me asinum germanum fuisse,' with Tyrrell's note.

pareret: Roby, § 1530 (c).

5. **Arguta est significatio**: 'it is a clever way of giving a hint:' cp. ad Her. iv. 53. 67 'significatio est, quae plus in suspicione relinquit, quam posita est in oratione:' the Greek term is ἔμφασις, of course in a very different sense from our *emphasis*, though the dictionaries based on Freund have been misled into identifying them. Cp. Quint. ix. 2. 3 'prior desiderat illam plus quam dixeris significationem, id est ἔμφασιν.

6. **verbo,** 'by a single word.'

7. **C. Fabricio,** the famous opponent of Pyrrhus, a type of old Roman virtue.

P. Cornelius Rufinus, consul in B.C. 290, and again in 277. It is hard to see how the phrase 'bello magno et gravi,' and the reply of Fabricius suit either of these dates: in 290 the third Samnite war was practically over, and the Sabine war was of slight importance: in 277 Pyrrhus had already left Italy, and his allies ventured no battles in the field. It is possible, as Niebuhr suggests, that the story really referred to a dictatorship of Rufinus in 280. Cp. Niebuhr, iii. 401, 513; Arnold, ii. 378, 498, 514. Gellius (iv. 8), and Quintil. xii. 1. 43, tell the story. Quint.'s words 'a cive se spoliari malle' are quite fatal to Harn.'s interpretation of *compilari* as meaning 'to be beaten.'

9. **consulem fecisset,** 'had voted for him to be consul:' cp. pro Mur. 21. 45 'alium faciam, quoniam sibi hic ipse desperat' = I will vote for some one else: pro Planc. 9 'facit eos, a quibus est maxime ambitus.'

11. **vēnire**: the appointment of an incompetent general might have led to the capture of many of his men, who would have been sold as slaves.

Asello, § 258. **lustrum illud infelix**: Gellius quotes (iv. 17) from Lucilius:—

'Scipiadae magno improbus obiciebat
Asellus,
Lustrum, illo censore, malum infelixque
fuisse.'

infelix, 'noli' inquit 'mirari; is enim, qui te ex aerariis exemit, lustrum condidit et taurum immolavit.' [Tacita suspicio est, ut religione civitatem obstrinxisse videatur Mummius, quod Asellum ignominia levarit.]

67 Urbana etiam dissimulatio est, cum alia dicuntur ac sentias,
269 non illo genere, de quo ante dixi, cum contraria dicas, ut Lamiae Crassus, sed cum toto genere orationis severe ludas, cum aliter sentias ac loquare; ut noster Scaevola Septumuleio illi Anagnino, cui pro C. Gracchi capite erat aurum repensum, roganti, ut se in Asiam praefectum duceret 'quid tibi vis,' inquit 'insane? tanta malorum est multitudo civium, ut tibi ego hoc confirmem, si Romae manseris, te paucis annis ad maximas
270 pecunias esse venturum.' In hoc genere Fannius in annalibus suis Africanum hunc Aemilianum dicit fuisse *egregium* et Graeco eum verbo appellat εἴρωνα; sed, uti ei ferunt, qui melius haec norunt, Socratem opinor in hac ironia dissimulantiaque longe

14. *egregium* KP: *facetum* S. *et Graeco eum* KP. *et eum Graeco* S.

1. **ex aerariis exemit.** Scipio had degraded Asellus to the rank of the *aerarii*: but both censors had to assent to any degradation (pro Cluent. 43. 122; Liv. xl. 51; xlii. 10; xliv. 16), and Mummius, by refusing his assent, restored him to his original position.

2. **lustrum condidit**, 'closed the purification' by the sacrifice of the *suovetaurilia*: Liv. i. 44. Varro, L. L. vi. 87 'censores inter se sortiuntur uter lustrum faciat.' Scipio means 'he who restored you to your rank had to offer the purifying sacrifice, to purge the state from the taint which he thus brought upon it.' The bracketed words, in which the *ut* is very doubtful Latin, are only a gloss to explain the point of the retort. The term **taurum** is here intended to include the whole of the sacrifice; 'et quod summatim dicebant tauros, idcirco etiam solitaurilia ipsa illa suovitaurilia appellare consuerunt' (Bücheler. Pop. Iguv. Lustr. Bonn, 1876).

5. **dissimulatio**, 'irony.'

7. **toto genere orationis**, 'by means of the whole style of the speech:' cp. Brut. 33. 126 (of C. Gracchus) 'grandis est verbis, sapiens sententiis, genere toto gravis.'

severe, 'gravely.'

8. **Septumuleio.** After the death of C. Gracchus, Septumuleius of Anagnia, though previously a friend of his, cut off his head and took it to Opimius in order to obtain the promised reward, viz. its weight in gold. He is said to have previously filled it with lead to increase the weight. Plut. C. Gracch. c. 17 (Val. Max. ix. 4. 3). This happened in the year B.C. 121, in which Scaevola left for his province Asia (Introd. p. 22).

10. **quid tibi vis?** 'what are you thinking of?'

13. **Fannius**: cp. Brut. 101 and 299; Teuffel[5] § 137, 4.

14. **fuisse egregium**: the MSS. have 'fuisse' alone, but this cannot be right: of the conjectures proposed Pid.'s *egregium*, adopted by Kayser, seems better than Sorof's *facetum*, or Bake's alteration of *fuisse* to *floruisse*: Ellendt's *multum fuisse* would rather indicate blame. Sorof quotes Brut. 85. 292, de Off. i. 30. 108 as passages where *ironia* is called *faceta*: but 'in hoc genere egregium' is also a common phrase, and quite as likely to have been corrupted before 'et eum,' if that be the true order, as Sorof's suggestion. Cicero speaks in the same way of Scipio and Socrates in Acad. ii. 5. 15; Brut. 87. 292.

15. **qui melius haec norunt.** Caesar like Antonius makes no pretence of being familiar with Greek literature.

16. **ironia**: Nägelsbach (p. 17) notices

lepore et humanitate omnibus praestitisse. Genus est perele-
gans et cum gravitate salsum cumque oratoriis dictionibus tum
urbanis sermonibus adcommodatum. Et hercule omnia haec, 271
quae a me de facetiis disputantur, non maiora forensium acti-
onum quam omnium sermonum condimenta sunt. Nam sicut
quod apud Catonem est—qui multa rettulit, ex quibus a me
exempli causa non nulla ponuntur—per mihi scitum videtur,
C. Publicium solitum dicere 'P. Mummium cuiusvis temporis
hominem esse,' sic profecto se res habet, nullum ut sit vitae
tempus, in quo non deceat leporem humanitatemque versari. Sed
redeo ad cetera. Est huic finitimum dissimulationi, cum honesto 272
verbo vitiosa res appellatur; ut cum Africanus censor tribu

7. *non nulla* Orellium secuti PS : *complura* K cum *H* Lagg. 2, 36 : *multa* ς.

this as one of the very few instances of a Greek word, not commonly current, and not strictly poetical, used in the *De Oratore*. His other instances are *epilogus* (ii. 69. 278); *mysterium* (iii. 17. 64); *politici* (iii. 28. 109); *silva* for materies (iii. 30. 118); *scenam pompamque* (iii. 45. 177); of which the last two instances are doubtful. On the irony of Socrates cp. Grote, vi. 137. Bp. Hampden (Fathers of Greek Philosophy, p. 421) writes 'A current of irony pervaded these experimental argumentations of Socrates. There was irony mingled with earnest conviction in that very disclaimer of all knowledge with which he set out. It was a mask, behind which he could hurl his weapons of assault on the boasted knowledge of others; whilst at the same time he expressed his serious view of the real ignorance of man, and the necessity of coming with a simple unprejudiced mind to the acquisition of truth. In the prosecution however of his method of analysis by interrogation, irony was indispensable for the success of his enquiry. For his object was to obtain the truth from the mouth of the person interrogated, not to state it himself: and when he did state it accordingly, it was necessary to put it in such a form as to try whether it was the opinion or not of that person—whether he really thought so, or adopted it on the judgment of his questioner. An ironical statement answers this purpose. It conceals the teacher and enables him to judge, according as the hearer applies it, what the state of the hearer's mind is; and to argue the point in question, not on premises laid down by himself, but on the admissions of the other.' Cp. the whole passage.

dissimulantia seems to occur nowhere else, and may here be an error for the common *dissimulatio*: cp. note on Acad. i. 42 (J. S. R.).

3. **urbanis sermonibus**, 'to refined conversation:' i. e. to the talk of gentlemen.

6. **Catonem**: § 252.

7. **exempli causa**: not used in good Latin parenthetically, like our *e.g.*, but always with a finite verb.

per mihi scitum: i. 47. 205 (note).

8. **C. Publicium . . P. Mummium**: not now to be identified. (*H* has *Marium.*)

cuiusvis temporis: the reading of the vulgate *cuivis tempori* has been altered by Lambinus, Ellendt, and Sorof: although this was hardly necessary, cp. Roby, § 1154, it receives support from *H*, *quidvis temporis*, and Lagg. 2. 36 *quodvis temporis*.

9. **vitae tempus**, 'occasion in life,' i. e. position; hence *in quo*, not *quo*. Quint. vi. 3. 110 has 'de Pollione Asinio seriis iocisque pariter accommodato dictum est, esse eum omnium horarum.'

12. **tribu movebat**. The earlier editors discussed whether this meant *in aerarios*, or out of one of the country tribes into a less honourable place in one of the four town tribes; and instances were adduced in which *tribu movere* seemed to be used for either form of degradation: cp. Niebuhr,

movebat eum centurionem, qui in Pauli pugna non adfuerat, cum ille se custodiae causa diceret in castris remansisse quaereretque, cur ab eo notaretur, 'non amo' inquit 'nimium diligentis.'
273 Acutum etiam illud est, cum ex alterius oratione aliud excipias atque ille volt; ut Salinatori Maximus, cum Tarento amisso arcem tamen Livius retinuisset multaque ex ea proelia praeclara

6. *Livius* ς : *illius M*, unde *ille eius* Fr.

Hist. ii. 399. Liv. iv. 24. 7 'tribu moverunt octuplicatoque censu aerarium fecerunt;' xxiv. 43. 3 'tribu moverunt atque aerarium fecerant;' xliv. 16. 8; xlv. 25. 8: but on the other hand Liv. xlv. 15 'neque enim si tribu movere posset, quod sit nihil aliud quam mutare iubere tribum, ideo omnibus v et xxx tribubus emovere posse, id est civitatem libertatemque eripere.' But if we accept Mommsen's view, that after the censorship of Appius Claudius there was no class of citizens not included in the tribes, and that the contrast between the *aerarii* and the *tribules* ceased (Röm. Staatsr. ii. 375–6), the two meanings coincide. In practice the censors would rarely, if ever, move a man, without removing him from the lists altogether.

1. **in Pauli pugna**: if this means the battle at Pydna, and we know of no other which can be meant, the punishment of the centurion was postponed for 26 years: for Paulus defeated Perseus at Pydna in 168, and Scipio was censor in 142. It must be remembered that Scipio had fought under his father at Pydna (Liv. xliv. 44), and had probably himself witnessed or heard at the time of the cowardice of this centurion. Aemilius Paulus was himself censor in B.C. 164.

3. **notaretur**, the technical expression for the censor's mark of disapproval, which involved *ignominia*.

4. **aliud atque**, 'something different from what.'

6. M. **Livius** Salinator, supposed by Cicero to have been in command of Tarentum, when Hannibal captured it by a stratagem in B.C. 212. (Arnold, Hist. iii. 211–218). For its citadel 'on a rocky knoll' exactly at the mouth of the harbour, ib. p. 213. The town was recovered by treachery in 209. But there is no doubt that both here and in de Sen. 4. 11, where the same story is told—'cum quidem me [Catone] audiente Salinatori, qui amisso oppido fugerat in arcem, glorianti atque ita dicenti, mea opera, Q. Fabi, Tarentum recepisti, certe, inquit ridens, nam nisi tu amisisses, numquam recepissem:'—Cicero has mistaken M. Livius Macatus for his better-known relative Salinator. Livy (xxvi. 39. 1) speaks of M. Livius as in command at Tarentum (in xxiv. 20. 13 the name is only restored by conjecture): similarly in xxvii. 25. 3 he says, 'Et de M. Livio, praefecto arcis Tarentinae, haud minore certamine actum est, aliis senatus consulto notantibus praefectum, quod eius socordia Tarentum proditum hosti est, aliis praemia decernentibus, quod per quinquennium arcem tutatus esset, maximeque unius eius opera receptum Tarentum foret, mediis ad censores, non ad senatum notionem de eo pertinere dicentibus: cuius sententiae et Fabius fuit: adiecit tamen fateri se opera Livi Tarentum receptum, quod amici eius vulgo in senatu iactassent, neque enim recipiundum fuisse, nisi amissum foret.' Of Salinator Livy says (xxvii. 34. 3) 'M. Livius erat multis annis ante ex consulatu populi iudicio damnatus, quam ignominiam adeo aegre tulerat, ut rus migraret et per multos annos et urbe et omni coetu careret hominum.' He had been consul in B.C. 219 and had gained a triumph over the Illyrians, but had afterwards been accused of dividing the spoil unfairly and had been fined. The censors of B.C. 210 had required him to return to public life; but he had never spoken in the senate 'donec cognati hominis eum causa Marci Livi Macati, cum fama eius ageretur, stantem cogit in senatu sententiam dicere.' Hence it is almost certain that it was Macatus who was the governor of Tarentum, and quite certain that it was not Salinator. For the striking circumstances under which the latter was again elected consul in B.C. 208 see the admirable narrative of Arnold, Hist. iii. 359–60.

fecisset, cum aliquot post annis Maximus id oppidum recepisset rogaretque eum Salinator, ut meminisset opera sua se Tarentum recepisse, 'quidni' inquit 'meminerim? Numquam enim recepissem, nisi tu perdidisses.' Sunt etiam illa subabsurda, sed eo 274
ipso nomine saepe ridicula, non solum mimis perapposita, sed etiam quodam modo nobis:

homo fatuus,
postquam rem habere coepit, est mortuus.

Et

quid est tibi ista mulier? Uxor. Similis me dius fidius.

Et

quamdiu ad aquas fuit, numquam est mortuus.

Genus hoc levius et, ut dixi, mimicum, sed habet non numquam 68
aliquid etiam apud nos loci, ut vel non stultus quasi stulte cum sale dicat aliquid: ut tibi, Antoni, Mancia, cum audisset te censorem a M. Duronio de ambitu postulatum, 'aliquando'

1. *annis H* Fr. Str. St.: *annos* vulgo. 12. *mortuus H: emortuus* vulg.

1. **annis**: Roby, § 1206.

2. **sua** (Salinatoris), **se** (Maximum): cp. Caes. B. G. i. 36. 6 'Ariovistus respondit neminem *secum* sine *sua* pernicie contendisse.'

3. **quidni meminerim?** 'of course I remember:' cp. Tusc. D. v. 5. 12 'quidni possim?'='of course I can.' *Quidni?* differs from *cur non?* in that the latter expects an answer, while the former does not. Cp. Kühner, ii. 995; Roby, § 1614.

4. **eo ipso nomine**, 'for that very reason:' cp. de Fin. ii. 7. 21 'qui, cum luxuriose viverent, a summo philosopho non reprehenderentur eo nomine dumtaxat, cetera caverent.'

8. **rem habere**, 'to be well to do.'

10. **quid est**, etc.; best taken with Sorof as an iambic octonarian acatalectic.

me dius fidius, sc. 'adiuvet:' a colloquial form of asseveration; according to Mommsen (i. 174) an oath by the god of good faith, early identified with Hercules. Ovid (Fast. vi. 213) speaks of Fidius as the same as the Sabine Semo Sancus, who was rather a deified hero than a god, but was really identical with Hercules. Paul. ex Fest. p. 74, Müll. says 'Dius heroum aliquis ab Iove genus ducens,' but this seems based on the erroneous derivation of Aelius Stilo and others, which identified *fidius* with *filius*. (Cp. p. 147 'medius fidius compositum videtur et significare Iovis filius, id est Hercules, quod Iovem Graece Δία et nos Iovem, ac fidium pro filio, quod saepe antea pro L litera D utebantur'). Dionysius represents the name by Ζεὺς πίστιος. Cp. Preller, Röm. Myth. pp. 633–637. The editors have tried to torture some further meaning out of this absurd answer than that which lies on the surface: there is no need to find in it more than a joke παρὰ προσδοκίαν: 'Ah, I thought she was some relation: she is so like you!'

12. **quamdiu**, etc.: apparently an iambic senarian with the first syllable omitted, and the first syllable of fuit pronounced long. Here the point of the joke seems to be that the man ought not to have left the baths, presuming that he was convalescent, for as long as he was there, he never died.

14. **apud nos**, sc. 'oratores.' **vel**, not 'even,' but with the anticipation of a second *vel*, which does not occur, the sentence passing into an anacoluthon, and the thought being continued by 'ex quo genere.'

15. **Mancia**, § 266: nothing else is known of him.

16. **Duronio**, § 257.

275 inquit 'tibi tuum negotium agere licebit.' Valde haec ridentur et hercule omnia, quae a prudentibus [quasi] per dissimulationem [non intellegendi] subabsurde salseque dicuntur. Ex quo genere est etiam non videri intellegere quod intellegas, ut Pontidius 'qualem existimas, qui in adulterio deprehenditur?' 'tardum!' ut ego, qui in dilectu Metello, cum excusationem oculorum a me
276 non acciperet et dixisset 'tu igitur nihil vides?' 'ego vero' inquam 'a porta Esquilina video villam tuam;' ut illud Nasicae, qui cum ad poëtam Ennium venisset eique ab ostio quaerenti Ennium ancilla dixisset domi non esse, Nasica sensit illam domini iussu dixisse et illum intus esse; paucis post diebus cum ad Nasicam venisset Ennius et eum a ianua quaereret, exclamat Nasica se domi non esse, tum Ennius 'quid? ego non cognosco' inquit 'vocem tuam?' Hic Nasica 'homo es impudens: ego cum te quaererem, ancillae tuae credidi te domi non esse, tu mihi
277 non credis ipsi?' Est bellum illud quoque, ex quo is, qui dixit, inridetur in eo ipso genere, quo dixit; ut, cum Q. Opimius con-

2. *quasi* incl. SH. 3. *non intellegendi* incl. SH. 6. *dilectu HKS. delectu* PH. 12. *ad ianuam H* Fr.

1. **tuum negotium agere licebit**: apparently in the sense in which the phrase is used in § 24, but really a taunt; 'you will have business of your own to attend to.'

2. [**quasi**] and [**non intellegendi**] have been rightly seen to be glosses, though Ellendt defends them. There is no difficulty about the *construction* of the latter phrase: cp. de Fin. ii. 32 'voluptas nihil dolendi,' and Reid on Acad. ii. 34. 111, 'probandi species.'

4. **Pontidius**, not otherwise known: some phrase like 'roganti . . . respondit' is understood.

5. For **tardum** the interrogator expected something like 'scelestum.' Quint. vi. 3. 87 reproduces the same story, without the name.

6. **in dilectu**, for the war against Jugurtha. Cp. Sall. Jug. 43 '(Metellus) diffidens veteri exercitui, milites scribere, praesidia undique arcessere:' in B.C. 109. Ellendt by a curious oversight supposes that this answer was given by Antonius, and hence argues at length that the Metellus could not have been M. Numidicus. Sorof gives B.C. 125 as the birth-year of Caesar: this seems a deduction from the fact that he was curule aedile in B.C. 90, but even so the deduction is not sound, for the normal age for an aedile was 37: and no citizen was liable for service until he was 17 years of age (Gell. x. 28): hence we must assume Caesar to have been born at the latest in B.C. 127. Cp. Introd. p. 25. Mommsen, iii. 260; Ihne, R. G. v. 280.

Metello, § 263.

8. **villam tuam**, § 263.

Nasicae, probably the consul of B.C. 191 with M'. Acilius Glabrio.

9. **ab ostio**, 'at the door,' Roby, § 1813. The *ostium* (whence our *usher* through *huissier* from *ostiarius*: cp. Brachet, Et. Dict. s. v.) was often used as equivalent to *ianua* or *fores* (cp. Becker, Gall.[3] ii. 186; Tyrrell on Plaut. Mil. 154). But strictly speaking it was the entrance to the vestibule, while the *ianua* was between the vestibule and the house. Friedrich presses this meaning here, and explains that while Nasica only went to the *ostium*, Ennius went on to the *ianua*. Cp. § 353.

17. **inridetur in eo ipso genere, quo dixit**, 'gets tit for tat.'

Q. Opimius, consul in B.C. 154, father of the enemy of C. Gracchus. Nonius,

sularis, qui adulescentulus male audisset, festivo homini Egilio, qui videretur mollior nec esset, dixisset 'quid tu, Egilia mea? quando ad me venis cum tua colu et lana?' 'Non pol' inquit 'audeo, nam me ad famosas vetuit mater accedere.' Salsa sunt **69**
etiam, quae habent suspicionem ridiculi absconditam, quo in 278
genere est Siculi illud, cui cum familiaris quidam quereretur quod diceret uxorem suam suspendisse se de ficu, 'amabo te,' inquit 'da mihi ex ista arbore quos seram surculos.' In eodem genere est, quod Catulus dixit cuidam oratori malo: qui cum in epilogo misericordiam se movisse putaret, postquam adsedit, rogavit hunc videreturne misericordiam movisse, 'ac magnam quidem,' inquit 'neminem enim puto esse tam durum, cui non oratio tua miseranda visa sit.' Me quidem hercule etiam illa 279
valde movent stomachosa et quasi submorosa ridicula, non cum a moroso dicuntur; tum enim non sal, sed natura ridetur; in quo, ut mihi videtur, persalsum illud est apud Novium:

'quid ploras, pater?'
'Mirum ni cantem: condemnatus sum.'

12. *hominem enim nullum H* Fr. 13. *misericordia digna H* Fr. 14. *cum non* KP: *non cum ω* S: *nam cum . . dicantur tum enim non salse sed H. nam cum . . tam eius* Fr. 18. *mirum* om. *H* Lg. 2. 36.

p. 305, quotes the following lines of Lucilius:

'Quintus Opimius ille, Jugurthini pater huius
Et formosus homo fuit et famosus, utrumque
Primo adulescens, posterius dare rectius sese.'

1. **male audisset**, 'had a bad reputation' = κακῶς ἀκούειν: cp. Milton, Areop. p. 24 (Hales): 'What more nationall corruption, for which Britain hears ill abroad, then household gluttony' with the editor's note.

2. **quid tu?** 'hark you.'

Egilia: cp. Heindorf on Hor. Sat. i. 8. 39, where *Pediatia* is put for *Pediatius*; and Cic. ad Att. i. 14. 5 'duce filiola Curionis.'

5. **suspicionem ridiculi absconditam**: 'the suggestion of a joke not on the surface,' with a kind of hypallage: cp. § 64 'sententiarum forensibus aculeis,' and i. 3. 11; 42. 199.

7. **quod diceret**, 'because, as he said:' as in § 253.

amabo te, da mihi, 'I shall be much obliged if you will give me,' or 'pray do give me:' a use very common in Plautus and Terence, though in the latter without *te* (e.g. Eun. 130, 150, etc.): in Cicero only in the Epistles. The Sicilian's joke has found its way into many jest-books, perhaps from Quintil. vi. 3. 88.

10. **in epilogo**: so Ar. Rhet. iii. 19 lays down as one of the four parts of the ἐπίλογος εἰς τὰ πάθη τὸν ἀκροατὴν καταστῆσαι. Cp. i. 53. 227 f. Quint. iv. 1. 28 'in ingressu parcius et modestius praetemptanda est iudicis misericordia; in epilogo vero licet totos effundere effectus.'

13. **miseranda**, 'pitiful.'

14. **non cum**, 'but not when:' like *non ut* in i. 17. 75; 26. 119, etc. The adversative force arises from the omission after the parenthesis of the natural contrast.

15. **in quo**, 'in this respect:' § 101.

Novium, § 255. The situation is unknown; hence the point is not fully apparent.

18. **mirum ni cantem**: the indicative is almost always used in this construction: cp. Roby, § 1757. Ramsay on Most. ii. 2. 62 lays it down that *mirum quin* is used to imply strong irony: *mirum ni*

Huic generi quasi contrarium est ridiculi genus patientis ac lenti, ut, cum Cato percussus esset ab eo, qui arcam ferebat, cum ille diceret 'cave,' rogavit 'numquid aliud ferret praeter
280 arcam.' Est etiam stultitiae salsa reprehensio, ut ille Siculus, cui praetor Scipio patronum causae dabat hospitem suum, hominem nobilem, sed admodum stultum, 'quaeso,' inquit 'praetor, adversario meo da istum patronum, deinde mihi neminem dederis.' Movent illa etiam, quae coniectura explanantur longe aliter atque sunt, sed acute atque concinne; ut, cum Scaurus accusaret Rutilium ambitus, cum ipse consul esset factus, ille repulsam tulisset, et in eius tabulis ostenderet litteras A. F. P. R. idque diceret esse, actum fide P. Rutilii; Rutilius autem, ante factum, post relatum; C. Canius, eques Romanus, cum Rufo adesset, exclamat, neutrum illis litteris declarari: 'quid ergo?' inquit Scaurus; 'Aemilius fecit, plectitur Rutilius.'

3. *praeter* ς; *nisi H* Lg. 2. 36. 8. Risum *movent* Muther. 12. A. F. P. R.: *ad praetorem H* Lg. 2. 36.

(with the indicative) to express real surprise or wonder: and confirms his view by a large collection of examples. I can quote no instance to the contrary except this, for in Plaut. Trin. 495 quoted by Pid. and Harn. no good MS. has it, and the Ambrosian gives *mirum quin*: see Ritschl and Brix ad loc. Sorof says 'not uncommon in the comic writers.' It is to be wished that he had given some instances of *mirum ni* with the subjunctive. Translate here 'it would be strange if I were not singing.'

2. **lenti,** 'gentle:' cp. Hor. Od. ii. 16. 26, with Bentley's note.

3. **numquid aliud**: cp. Dionys. Laert. vi. 41 (of Diogenes the Cynic) *πρὸς τὸν ἐντινάξαντα αὐτῷ τὴν δοκὸν εἶτα εἰπόντα φύλαξαι, πάλιν γάρ με, ἔφη, παίειν μέλλεις*; The editors from Henrichsen downwards all borrow this quotation from Schuetz; but not one of them has taken the trouble to verify it, or supply the reference.

5. **Scipio**, not to be identified: we do not know of any Scipio who was praetor in Sicily.

7. **neminem dederis** = 'ne quemquam dederis:' hence the perf. subj. Roby, § 1602: cp. Cicero, pro Mur. 31. 65 'nihil ignoveris: nihil omnino gratiae concesseris.' I have not found any other instances of a *patronus* appointed by the presiding magistrate to conduct a case: but it is natural enough that such assistance should have been given to provincials ignorant of Roman law. A similar practice is common at our own assizes in criminal cases, where the prisoner is unable to procure counsel for himself. Here however it seems to have been a civil suit.

10. **Scaurus,** § 197: cons. B.C. 107: **Rutilium,** i. 53. 227, 229: cons. B.C. 105: cp. Brut. 30. 113 'Rutilius autem in quodam tristi et severo genere dicendi versatus est. Erat uterque [Rutilius and Scaurus, for whose oratory cp. §§ 111, 112] natura vehemens et acer; itaque cum una consulatum petivissent, non ille solum, qui repulsam tulerat, accusavit ambitus designatum competitorem, sed Scaurus etiam absolutus Rutilium in iudicium vocavit.' Scaurus wished to explain an entry in the account-books of Rutilius, which were produced in court (§ 97, note), as meaning 'a transaction on the credit of P. Rutilius,' suggesting that it had been spent in bribery: Rutilius explained it as intended to remind him that it had been entered, some time after it had been paid; Canius, who was assisting Rutilius in his defence, gave a witty turn to the entry, by explaining 'Aemilius was guilty, and Rutilius is getting punished.' Cp. Roby, Introd. to Digest, p. ci.

Ridentur etiam discrepantia: 'quid huic abest nisi res et **70**
virtus?' Bella etiam est familiaris reprehensio quasi errantis; 281
ut cum obiurgavit Albium Granius quod, cum eius tabulis quid-
dam ab Albucio probatum videretur, et valde absoluto Scaevola
gauderet neque intellegeret contra suas tabulas esse iudicatum.
Huic similis est etiam admonitio in consilio dando familiaris, 282
ut, cum patrono malo, cum vocem in dicendo obtudisset,
suadebat Granius, ut mulsum frigidum biberet, simulac domum
redisset, 'perdam' inquit 'vocem, si id fecero:' 'melius est'
inquit 'quam reum.' Bellum etiam est, cum quid cuique sit 283
consentaneum dicitur; ut, cum Scaurus non nullam haberet
invidiam ex eo, quod Phrygionis Pompeii, locupletis hominis,

4. *ab* om. P cum *H* Lagg. 2, 36. tuentur KSAH. *et* om. *H*: non secluserunt KPH.

1. **discrepantia**, instances in which a sudden turn is given to the thought, practically equivalent to jokes παρὰ προσδοκίαν. One would have expected a question like that in the text to end with the mention of something of slight importance, whereas 'res et virtus' comprise almost all external and personal advantages, 'property and merit.' Reid on p. Balb. § 9. Hence Quintil. vi. 3. 84 rightly quotes this as an instance 'decipiendi opinionem.'

3. **Albium Granius**: this is not only the reading of the great majority of the MSS. but the only one which suits the character of Granius as a wit. The old reading 'Albius Granium' is rejected by all editors since Ellendt. But none of the other suggested alterations of the text is needed. Albucius (iii. 43. 171) accused Scaevola *de repetundis* (Brut. 26. 102), and to establish his case called for the account-books of a certain Albius, a friend of Scaevola's, which, as he thought, proved his guilt. In spite of the evidence thus supplied, Scaevola was acquitted. Granius taunted Albius with having been delighted at the acquittal, and at the same time not having seen that a severe condemnation had been passed upon the accuracy of his own accounts. (It is not necessary with Ell. to suppose that they were judged to have been intentionally falsified.)

4. For **et . . . neque** corresponding cp. Holden on de Off. iii. 25. 95; Roby, § 2241. Some MSS. give *Albucio*, which is wrong: *ab Albucio* we might perhaps translate 'in favour of A' (Roby, § 1813), but it is simpler to take it of the agent 'by.'

7. **vocem obtudisset**, 'had made his voice husky:' cp. Lucr. iv. 612 'et tamen ipsa quoque haec, dum transit clausa *domorum*, | vox optunditur, atque auris confusa penetrat | et sonitum potius quam verba audire videmur.' So Quint. xi. 3. 20 'fauces tumentes strangulant vocem, obtusae obscurant:' he treats of the management of the voice in §§ 14–29, and opposes *clara vox* to *obtusa*.

8. **mulsum**: cp. Mart. xiii. 108 'Mulsum . . . Attica nectareum turbatis mella Falernum;' Macrob. vii. 12 'mulsum quod probe temperes, miscendum esse novo Hymettio et vetulo Falerno:' cp. Hor. Sat. ii. 4. 26. Hence it is not to be translated 'mead,' but 'a mixture of honey and wine.' Cp. Becker, Gall.[2] iii. 311.

11. **consentaneum**, 'corresponding to the character.'

12. Of **Pompeius Phrygio** nothing is known: *phrygio* is an 'embroiderer in gold:' the name is doubtless derived from the Phrygians, who were famous in this art: but the passage from Nonius, quoted as an authority for this, is simply due to a conjecture of Roth. Cp. Quicherat's note on Non. p. 3. If Phrygio has here passed into a cognomen, as all the editors seem to assume, we have another instance of the transposition noted on § 253. Cp. Tyrrell on Cic. Ep. cci. The circumstances of Scaurus' action are unknown. But the law before the time of Hadrian allowed any citizen to acquire a good title in a year's time to the property of a deceased person in the

bona sine testamento possederat, sederetque advocatus reo Bestiae, cum funus quoddam duceretur, accusator C. Memmius 'vide,' inquit 'Scaure, mortuus rapitur, si potes esse possessor.'

284 Sed ex his omnibus nihil magis ridetur, quam quod est praeter exspectationem, cuius innumerabilia sunt exempla, vel Appii maioris illius, qui in senatu, cum ageretur de agris publicis et de lege Thoria et premeretur Lucilius ab eis, qui a pecore eius

5. *vel* ω KP. *ut* S.

citizen's possession, of which the lawful heir had not taken possession (Gaius ii. 52–58). Some such possession, called by Gaius *improba possessio*, may have taken place here. There seems little likelihood of any right on the part of one of the Aemilii to the property of a member of the Pompeian *gens*. [H. J. R.] He may possibly have claimed it as a creditor. Sallust speaks of Scaurus (Jug. xv. 4) as 'avidus potentiae, honoris, divitiarum.' Cp. Plin. N. H. xxxvi. 116.

2. **Bestia** was prosecuted by C. Memmius under the *lex Mamilia* for his corrupt action in making peace with Jugurtha (Sall. Jug. 40). An extraordinary commission of three (*quaesitores*) had been appointed to investigate the circumstances of this peace, and Scaurus, the leader of the nobles at this time, and one of the most guilty of them all, succeeded, according to Sallust, in getting himself appointed one of the commissioners. (Cp. Mommsen, iii. 152.) Henrichsen has seen, what subsequent editors have ignored, that this explicit statement of Sallust's is quite irreconcileable with Cicero's story in the text: he prefers to accept the latter. Mommsen and Ihne (v. 134) do not notice the discrepancy, but follow Sallust. Of course this may possibly refer to another prosecution.

3. **rapitur,** 'is being hurried to the grave,' that the property might the sooner fall into the hands of the heirs.

si potes may perhaps be dependent upon *vide*, as Sorof takes it: for this construction, though probably never found in Cicero's own language, is common enough in Plautus and Terence (cp. Roby, § 1755): but with the intervening words 'mortuus rapitur,' it is better to regard it as a loosely appended direct clause: 'if only you can get possession of his property:' i. e. 'perhaps you will be able to,' etc. Cp. Kühner, ii. 996. (*H potest.*)

5. **Appii maioris illius**: this cannot have been Appius Claudius (praetor B.C. 89), the father of Appius Claudius (consul B.C. 54), and of P. Clodius the enemy of Cicero: but was more probably their grandfather (No. 29 in Dict. Biog.). See note on § 246.

7. **lege Thoria**: in B.C. 119. Cp. Mommsen, iii. 134. Cicero says (Brut. 36. 136) 'Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit:' this language is very ambiguous, and would probably convey a meaning exactly opposite to the facts of the case, if we had not Appian (B. C. i. 27) to guide us to the true interpretation. It means, according to Mommsen, 'who freed the public land from the effects of an injurious law, informally passed, by imposing a fixed rent.' The land was no longer to be divided into freeholds, and distributed among the people, but the occupiers were to pay a fixed rent, which went to defray the expense of the free corn-distribution at Rome. The fragments of the *lex agraria*, long known under the name of the *lex Thoria*, belong in Mommsen's judgment to the subsequent law of B.C. 111. Cp. Corp. Inscr. Lat. i. pp. 75–86, or Bruns, Fontes[5], pp. 72–88. Ihne however still holds to the earlier view, and maintains (v. 113) that the *vitiosa et inutilis lex* of Cicero is the one still extant in part, and that this is the *lex Thoria*. It is noteworthy that Appian speaks of the proposer of the law of 119 as *Σπούριος Βόριος*: and certainly the law of 111 regulated the right of pasturage, while we have no evidence that it was mentioned in the earlier law.

Lucilius: if this is the correct reading, we need not hesitate to identify him with the poet, who was a man of wealth (Juv. Sat. i. 20), if we accept Mr. Munro's date for his birth (cp. note on § 25). But *H* and other MSS. have 'Lucullus,' which Pearce has edited; then it might

depasci agros publicos dicerent, 'non est' inquit 'Lucilii pecus illud; erratis;'—defendere Lucilium videbatur—'ego liberum puto esse: qua libet pascitur.' Placet etiam mihi illud Scipionis 285
illius, qui Ti. Gracchum perculit: cum ei M. Flaccus multis probris obiectis P. Mucium iudicem tulisset; 'eiero,' inquit 'iniquus est;' cum esset admurmuratum, 'ah,' inquit 'P. C., non ego mihi illum iniquum eiero, verum omnibus.' Ab hoc vero Crasso nihil facetius: cum laesisset testis Silus Pisonem, quod se in eum audisse dixisset, 'potest fieri,' inquit 'Sile, ut is, unde te audisse dicis, iratus dixerit.' Adnuit Silus. 'Potest etiam, ut tu non recte intellexeris.' Id quoque toto capite adnuit, ut se Crasso daret. 'Potest etiam fieri,' inquit 'ut omnino, quod te audisse dicis, numquam audieris.' Hoc ita praeter exspectationem accidit, ut testem omnium risus obrueret. Huius generis est plenus Novius, cuius iocus est familiaris 'sapiens si algebis, tremes' et alia permulta. Saepe etiam facete concedas adver- 71
sario id ipsum, quod tibi ille detrahit; ut C. Laelius, cum ei 286

15. *cuius* S. *et* ς KP: om. *H* Lagg. 2. 36, etc.

be the father of the famous Lucullus, who was notorious for his avarice (Plut. Lucull. ad init.).

2. **liberum** (=ἄφετον) . . . **libet**: in spite of the difference of quantity we may admit a play upon the two words. Cp. ad Att. i. 16. 5 'quos fames magis quam fama commoverit.'

3. **Scipionis**: Nasica Serapio, consul in B.C. 138. In B.C. 133 'consulem (P. Mucium) languentem reliquit, et ipse privatus, ut si consul esset, qui rem publicam salvam esse vellet, se sequi iussit' (Tusc. iv. 23. 51); Mommsen, iii. 94. He was attacked by M. Fulvius Flaccus for the murder of Ti. Gracchus, and found it expedient to accept an embassy to Asia, where he died not long after (Cic. pro Flacc. 31. 75). Flaccus was a warm supporter not only of Tiberius, but also of Gaius Gracchus, and shared the fate of the latter (Mommsen, iii. 101, 106, 128).

5. **iudicem tulisset**, § 263: it is evident from the vocative 'patres conscripti' that this did not happen on the occasion of a formal trial: but Flaccus after much fierce invective in the senate, called upon Scipio to accept the judgment of the consul as to his deed.

6. **non mihi . . . verum omnibus**: the old interpretation, given by Schuetz, that Mucius is represented as too severe to every one, will not do, because Scipio is accusing him of undue laxity and inertness. It means rather he is unfair to the general welfare of the state. Cp. Verr. ii. 3. 137, ad Att. viii. 15. 2, ad Fam. x. 12. 4.

7. **eiero**: 'I challenge him on oath:' cp. Phil. xii. 7. 18, where similarly *eierabant* is used in an applied sense; 'they challenged my appointment:' in Verr. iii. 60. 137 it is used with *forum*.

Ab hoc, 'on this side;' i. e. in this respect, a rare use for 'ab hac parte.'

8. **Silus**, perhaps M. Sergius Orator Silus, a quaestor in B.C. 105. **Piso** cannot be identified.

in eum audisse, 'had heard something against him.' [Has *dici* fallen out? J. S. R.]

9. **unde**: Roby, § 1263.

11. **se daret**: § 187.

15. **Novius**, § 255.

sapiens, 'if a sage like you is cold, —he will shiver' like other men: perhaps directed against a Stoic proud of his impassiveness.

16. **concedas**: the so-called potential use: Roby, § 1536 (cp. § 1544).

17. **C. Laelius**, § 154: i. 48. 211, etc. He was famous for his *hilaritas* (de Off.

quod quasi deorum aliquo dono atque munere commendati nobis esse videantur.

quidam malo genere natus diceret, indignum esse suis maioribus, 'at hercule' inquit 'tu tuis dignus.' Saepe etiam sententiose ridicula dicuntur, ut M. Cincius, quo die legem de donis et muneribus tulit, cum C. Cento prodisset et satis contumeliose 'quid fers, Cinciole?' quaesisset, 'ut emas,' inquit 'Gai, si uti
287 velis.' Saepe etiam salse, quae fieri non possunt, optantur; ut M. Lepidus, cum, ceteris se in campo exercentibus, ipse in herba recubuisset, 'vellem hoc esset,' inquit 'laborare.' Salsum est etiam quaerentibus et quasi percontantibus lente respondere quod nolint; ut censor Lepidus, cum M. Antistio Pyrgensi equum ademisset amicique [cum] vociferarentur et quaererent, quid ille patri suo responderet, cur ademptum sibi equum diceret, cum optimus colonus, parcissimus, modestissimus, frugalissimus
288 esset, 'me istorum' inquit 'nihil credere.' Conliguntur a Graecis

7. *se* addidit Fr. cum *H* probante Harn.

i. 30. 108): Seneca, Nat. Quaest. vi. 32 quotes another of his sayings. The Laelii were not wealthy (cp. Orat. 71. 232 'neque me divitiae movent, quibus omnes Africanos et Laelios multi venalicii mercatoresque superarunt'); if, as is probable, the friend of the younger Scipio is meant here, the father was consul B.C. 190, but no more remote ancestor attained that office.

2. **sententiose**: quite our 'sententiously;' in a terse sentence full of pith.

3. **M. Cincius** brought forward in B.C. 204 a law *de donis et muneribus*, supported by Q. Fabius Maximus (de Sen. 4. 10). Its object was to prevent clients and others becoming impoverished by having to make presents to their patrons or other superiors (Liv. xxxiv. 4. 9). The law prescribed no penalty for breach, but left every gift of an immoderate amount (what amount is not known) without legal protection, except gifts between near relations by blood or marriage, and a few others. A gift fully executed could not however be recalled. The law is most frequently mentioned in connexion with the payment of advocates: 'qua cavetur antiquitus ne quis ob causam orandam pecuniam donumve accipiat' (Tac. Ann. xi. 5). Our principal, though meagre, source of information is the Vatican Fragments (Huschke's Jurisp. Antejust. p. 770 ff.). See also Puchta's Cursus, § 206. Keller, Pandekten, ii. p. 576 [H. J. R.]. Cp. Mommsen, Röm. Forsch. i. 367; Bruns, Fontes, p. 41.

5. **quid fers?** 'what are you offering?' an expression used to those who were offering goods for sale; hence somewhat contemptuous in itself, an effect heightened by the diminutive, and doubtless also by the manner. The use of the praenomen in the reply 'that you should pay for what you want,' shows a familiarity, which might under other circumstances have been complimentary, but is here, of course, slighting. Cp. Hor. Sat. ii. 5. 32; 6. 37.

7. **M. Lepidus**, probably Porcina, consul in B.C. 137: cp. i. 10. 40. The **censor Lepidus** (consul B.C. 187, censor B.C. 179) seems to be intentionally distinguished from him.

se exercentibus, *se* could hardly be omitted: de Fin. i. 20. 69 'exercendi aut venandi consuetudines adamare solemus' is not sufficiently parallel: cp. Madvig's note.

9. **percontantibus**: stronger than **quaerentibus**: cp. note on i. 21. 97. Hence *quasi* = almost: iii. 201.

10. **Pyrgensi**, from Pyrgi in Etruria. Mommsen, Verf. i. 52, quotes this as a proof among others that the citizens of the colonies enjoyed the full Roman franchise.

12. **cur . . . diceret**, a compressed expression for 'quid diceret cur equus ademptus esset,' which we may retain without greater looseness in English, 'why he should say his horse had been taken away.'

14. **nihil credere**: for *credo* = 'accept

Hor. Sat. ii. 5. 32 Quinte puta aut Publi (gaudent praenomine molles auriculae) tibi me virtus tua fecit amicum. ditto 6. 37 De re communi scribae magna atque nova te orabant hodie meminisses, Quinte, reverti

alia non nulla, exsecrationes, admirationes, minationes, sed haec
ipsa nimis mihi videor in multa genera discripsisse; nam illa,
quae verbi ratione et vi continentur, certa fere ac definita sunt;
quae plerumque, ut ante dixi, laudari magis quam rideri solent;
haec autem, quae sunt in re ipsa et sententia, partibus sunt innu- 289
merabilia, generibus pauca; exspectationibus enim decipiendis et
naturis aliorum inridendis [ipsorum ridicule indicandis] et simili-
tudine turpioris et dissimulatione et subabsurda dicendo et stulta
reprehendendo risus moventur, itaque imbuendus est is, qui
iocose volet dicere, quasi natura quadam apta ad haec genera et
moribus, ut ad cuiusque modi genus ridiculi voltus etiam ad-
commodetur; qui quidem quo severior est et tristior, ut in te,
Crasse, hoc illa, quae dicuntur, salsiora videri solent. Sed iam 290
tu, Antoni, qui hoc deversorio sermonis mei libenter acquietu-
rum te esse dixisti, tamquam in Pomptinum deverteris, neque

5. *et ipsa* ω: *ipsa et* Reid. 11. *moribus* ω: *motu oris* Madvig, Adv. Crit. iii. 92. 14. *tui AEHZ*.

as true' with acc. (only with neuter adjectives and pronouns): cp. de Div. ii. 13. 31 'sed credere omnia vide ne non sit necesse,' ib. 41. 86, etc. There is an excellent note on the uses of *credo* in Seyffert's Laelius,[2] p. 173.

1. **exsecrationes**, etc., 'instances of execration, astonishment, and threatening,' of course humorously exaggerated.

2. **nimis with in multa**: cp. iii. 13. 51 'quoniam haec satis spero vobis quidem certe maioribus molesta et putida videri.' Sorof points out that this is especially common with *eo*, *quo*, *multo*, *paulo*, with comparatives, and with *quam* in indirect sentences.

discripsisse, § 142.

3. **verbi ratione et vi**, 'meaning and force of a word.'

4. **ante**, § 254.

5. **partibus . . . generibus**, i. 42. 189.

7. **[ipsorum ridicule indicandis]** cannot be genuine: there is nothing corresponding to it, as there is to all the other clauses, in the foregoing discussion: in *AEHZ*, etc. there is a corrupt reading *irriden . . . le iudicandis*, which points to the loss of some words, hence Sorof's conjecture 'irridendis vitiisque eorum ridicule iudicandis,' or Harn.'s 'et vitiis corporis ridicule,' is by no means improbable.

9. **imbuendus**: here in a more general meaning than usual, 'furnished with.' Ell. interprets *imbui* as 'assuescere multum tractando:' but this is not the meaning of the word: it is most exactly used of staining and wetting for the first time: cp. § 162, note.

12. **tristior**. The great comic actor Liston was never known to smile upon the stage. 'His long solemn face might have become the pulpit, as he surveyed his audience after convulsing them with a display of his refined and exquisite humour,' Frith's Reminiscences, ii. 264.

14. **deversorio**, a better established form than *div-*, and found in *A*, though the latter is given by all Ellendt's MSS. here: cp. Munro's Horace, Ep. i. 15. 10 and Keller's Epilegomena ad loc.; Bücheler, Jahrb. f. Phil. lxxxvii. 782.

sermonis mei, a genitive of definition: Roby, § 1302.

15. **in Pomptinum**: the Appian road ran through the Pomptine marshes: the way-side inns would be neither agreeable nor wholesome resting-places. The Roman inns were generally bad. Friedländer, Sittengesch.[6] ii. 40 ff. The sentence is loosely constructed, the *tu* being anticipatory, rather than strictly connected with any following clause.

deverteris (MSS. 'diverteris'): perf. subj. act.; not deponent.

amoenum neque salubrem locum, censeo, ut satis diu te putes requiesse et iter reliquum conficere pergas.'

'Ego vero, atque hilare quidem a te acceptus,' inquit 'et cum doctior per te, tum etiam audacior factus iam ad iocandum; non enim vereor ne quis me in isto genere leviorem iam putet, quoniam quidem tu Fabricios mihi auctores et Africanos, Maximos,
291 Catones, Lepidos protulisti. Sed habetis ea, quae voltis ex me audire, de quibus quidem adcuratius dicendum et cogitandum fuit; nam cetera faciliora sunt atque ex eis, quae dicta sunt,
72 reliqua nascuntur omnia. Ego enim cum ad causam sum adgressus atque omnia cogitando, quoad facere potui, persecutus, cum et argumenta causae et eos locos, quibus animi iudicum conciliantur, et illos, quibus permoventur, vidi atque cognovi, tum constituo quid habeat causa quaeque boni, quid mali; nulla enim fere potest res in dicendi disceptationem aut controversiam vocari, quae non habeat utrumque, sed, quantum habeat, id
292 refert; mea autem ratio haec esse in dicendo solet, ut, boni quod habeat, id amplectar, exornem, exaggerem, ibi commorer, ibi habitem, ibi haeream; a malo autem vitioque causae ita recedam, non ut me id fugere appareat, sed ut totum bono illo ornando et augendo dissimulatum obruatur; et, si causa est in argumentis, firmissima quaeque maxime tueor, sive plura sunt sive aliquod unum; sin autem in conciliatione aut in permotione causa est,

3. *et* om. P. 4. *iam MKS. sum* P. 7. *voltis MK* : *voluistis* PS.

1. **censeo, ut**: Madvig, § 396, obs. 4, gives the various constructions of *censeo*.

3. **Ego vero**, 'to be sure I will.' Tusc. D. i. 49. 119 'Habes epilogum, ne quid praetermissum aut relictum putes. Ego vero: et quidem fecit etiam iste me epilogus firmiorem.' Brut. 5. 21 'Ego vero, inquam, si potuero, faciam vobis satis.' Nägelsb. Stil. p. 548.

5. **quoniam quidem** = ἐπειδήπερ, § 122; Roby, § 1747; Kühner on Tusc. D. iii. 27. 66. It often takes the place of *quando quidem*, which is less common in Cicero: but cp. iii. 14. 54.

6. **Fabricios**: cp. i. § 211 (note).

8. **de quibus quidem**: Roby, § 1693.

§§ **291–306**. *Antonius, in resuming his exposition of* inventio *from* § 216, *states that he first considers the strong points of his own case and of his opponent's, sometimes not replying at all to the latter, and taking especial pains not to damage his own case. The danger of the latter is discussed and exemplified.*

11. **cum . . . cognovi**, explanatory of the clause *cum . . . persecutus*.

15. **disceptationem**, 'discussion:' §§ 78, 113. **dicendi** is an explanatory genitive, defining the nature of the *disceptatio* here mentioned.

19. **habitem**: i. 62. 264. **haeream**: i. 38. 173.

21. **dissimulatum**, 'disguised.' **obruatur**: Or. part. 5. 15 'firmamenta ad fidem posita aut per se diluenda aut obscuranda aut digressionibus obruenda,' i.e. must be caused to be forgotten.

in argumentis, 'one turning on arguments.'

ad eam me potissimum partem, quae maxime movere animos
hominum potest, confero. Summa denique huius generis haec 293
est, ut si in refellendo adversario firmior esse oratio quam in con-
firmandis nostris rebus potest, omnia in illum tela conferam; sin
nostra probari facilius, quam illa redargui possunt, abducere
animos a contraria defensione et ad nostram conor deducere.
Duo denique illa, quae facillima videntur, quoniam quae diffi- 294
ciliora sunt, non possum, mihi pro meo iure sumo: unum, ut
molesto aut difficili argumento aut loco non numquam omnino
nihil respondeam, quod forsitan aliquis iure inriserit; quis enim
est, qui id facere non possit? sed tamen ego de mea nunc, non
de aliorum facultate disputo confiteorque me, si quae premat res
vehementius, ita cedere solere, ut non modo non abiecto, sed ne
reiecto quidem scuto fugere videar, sed adhibere quandam in
dicendo speciem atque pompam et pugnae similem fugam; con-
sistere vero in meo praesidio sic, ut non fugiendi hostis, sed capi-
endi loci causa cessisse videar; alterum est illud, quod ego maxime 295
oratori cavendum et providendum puto quodque me sollicitare
summe solet: non tam ut prosim causis, elaborare soleo, quam
ut ne quid obsim; non quin enitendum sit in utroque, sed tamen

1. *movere MK*: *commovere* PS. 6. *deducere MKH*: *traducere* PS. 12. *quae MS. qua* KPH.

1. **movere**, 'affect,' either by winning or by exciting emotion.

2. **Summa huius generis**, 'my proceeding as a rule in cases of this kind.'

denique, here 'in short,' summing up what has to be said about *bona* and *vitia*: hence the position of *denique* as second word in the sentence, not first. The second *denique* brings to a conclusion what has to be said about *inventio* generally.

5. **illa**: 'the arguments of my opponent.'

8. **pro meo iure**, 'as though fully entitled to do so:' cp. 'suo iure' (as Ell. reads) in i. 10. 42; de Fin. v. 2. 4. Reid on p. Arch. p. 88.

9. **loco**, 'line of defence (or attack).'

10. **inriserit**: perf. subj. Roby, § 1766: cp. de Off. iii. 6. 29 'forsitan quispiam dixerit:' on the other hand in § 99 'riserit fortasse aliquis,' we have the fut. perf. ind. Cp. Roby, vol. ii. p. civ–cvi.

13. **cedere**: Tac. Germ. 6 'cedere loco, dummodo rursus instes, consilii quam formidinis arbitrantur.'

abiecto . . . reiecto. To throw away the shield altogether was a mark of great cowardice: hence ῥίψασπις is a common term of abuse in Aristophanes: cp. also the commentators on Hor. Od. ii. 7. 10 'relicta non bene parmula,' and Tac. Germ. 6 'scutum reliquisse praecipuum flagitium.' In a retreat the shield would be slung behind, so as to cover the back and protect it from the pursuers' missiles. Hence *scutum reicere* = *terga vertere*.

15. **speciem**, 'display:' **pompam**, § 94: **consistere** 'to take up any position,' continuing the military metaphor.

17. **alterum est** after *unum* (acc.) with an asyndeton very common in Cicero; cp. § 116.

20. **non quin**: Roby, § 1744. Cp. ad Fam. iv. 7. 1 'Etsi eo te adhuc consilio usum intellego, ut id reprehendere non audeam, non quin ab eo ipse dissentiam, sed quod ea te sapientia esse iudicem, ut meum consilium non anteponam tuo,' etc. Instead of continuing here with

multo est turpius oratori nocuisse videri causae quam non pro-
73 fuisse. Sed quid hoc loco vos inter vos, Catule? An haec, ut sunt contemnenda, contemnitis?' 'Minime,' inquit ille 'sed Caesar de isto ipso quiddam velle dicere videbatur.' 'Me vero libente' inquit Antonius 'dixerit sive refellendi causa sive quaerendi.'
296 Tum Iulius 'ego mehercule,' inquit 'Antoni, semper is fui, qui de te oratore sic praedicarem, unum te in dicendo mihi videri tectissimum propriumque hoc esse laudis tuae nihil a te umquam esse dictum, quod obesset ei, pro quo diceres; idque memoria teneo, cum mihi sermo cum hoc Crasso, multis audientibus, esset institutus Crassusque plurimis verbis eloquentiam laudaret tuam, dixisse me cum ceteris tuis laudibus hanc esse vel maximam quod non solum quod opus esset diceres, sed etiam quod non opus esset non
297 diceres; tum illum mihi respondere memini, cetera in te summe esse laudanda, illud vero improbi esse hominis et perfidiosi, dicere quod alienum esset et noceret ei, pro quo quisque diceret; qua re non sibi eum disertum, qui id non faceret, videri, sed improbum, qui faceret. Nunc, si tibi videtur, Antoni, demonstres velim, qua re tu hoc ita magnum putes nihil in causa mali
74 facere, ut nihil tibi in oratore maius esse videatur.' 'Dicam
298 equidem, Caesar,' inquit 'quid intellegam, sed et tu et vos hoc omnes, inquit, mementote, non me de perfecti oratoris divinitate quadam loqui, sed de exercitationis et consuetudinis meae mediocritate. Crassi quidem responsum excellentis cuiusdam est ingenii ac singularis; cui quidem portenti simile esse visum est posse aliquem inveniri oratorem, qui aliquid mali faceret dicendo obessetque ei, quem defenderet; facit enim de se coniecturam;
299 cuius tanta vis ingenii est, ut neminem nisi consulto putet, quod contra se ipsum sit, dicere; sed ego non de praestanti quadam

29. *sed ego . . . disputo* incl. Bake KS; tuetur P*M.*

sed quod, Cicero goes off into an independent sentence: cp. 'conor' in § 293; and note on § 4.

5. **dixerit**: fut. perf. ind. Roby, § 1485 (a).

6. **is fui qui**: a periphrastic expression to give prominence to the predicate: cp. exx. in Kühner, ii. 855.

7. **tectissimum**, 'most guarded,' perhaps originally applied to soldiers completely covered by their shields.

12. **cum ceteris tuis laudibus**, 'among your other distinctions,' not a very common form of expression. [? *tum in* J. S. R.]

21. **quid intellegam**, 'what my view is:' cp. i. 47. 206 (note).

24. **excellentis cuiusdam**: i. 3. 12 (note).

27. **de se**, 'judging from himself.'

29. [**sed ego . . . disputo**]. The great variety of readings in the MSS. here, have led Bake, Kayser, and Sorof, to regard the whole clause as an interpolation. But Friedrich, by restoring *vi nunc disputo*. *Ita* for the *lingua dis-*

et eximia, sed prope de volgari et communi vi nunc disputo. Ita apud Graecos fertur incredibili quadam magnitudine consilii atque ingenii Atheniensis ille fuisse Themistocles; ad quem quidam doctus homo atque in primis eruditus accessisse dicitur eique artem memoriae, quae tum primum proferebatur, pollicitus esse se traditurum; cum ille quaesisset quidnam illa ars efficere posset, dixisse illum doctorem, ut omnia meminisset; et ei Themistoclem respondisse gratius sibi illum esse facturum, si se oblivisci quae vellet quam si meminisse docuisset. Videsne quae 300 vis in homine acerrimi ingenii, quam potens et quanta mens fuerit? Qui ita responderit, ut intellegere possemus nihil ex illius animo, quod semel esset infusum, umquam effluere potuisse; cum quidem ei fuerit optabilius oblivisci posse potius quod meminisse nollet quam quod semel audisset vidissetve meminisse. Sed neque propter hoc Themistocli responsum memoriae nobis opera danda non est neque illa mea cautio et timiditas in causis propter praestantem prudentiam Crassi neglegenda est; uterque enim istorum non mihi attulit aliquam, sed suam significavit facultatem. Etenim permulta sunt in causis in omni 301 parte orationis circumspicienda, ne quid offendas, ne quo inruas: saepe aliqui testis aut non laedit aut minus laedit, nisi lacessatur; orat reus, urgent advocati, ut invehamur, ut male dicamus,

7. *et ei* incl. K. 10. *quanta mens* ς KSH : *quam tamen AHE*² : *quam vehemens* P. 11. *possemus OPM* (*pos* cum lacuna *H*) H : *possimus* KPS.

putata of *M*, has given an excellent reading. The reading of the later MSS. *prudentia* for *lingua* is probably an attempt at correction.

4. **quidam doctus homo**, sc. 'Simonides:' cp. § 351; Acad. ii. 1. 2 'quam (memoriam) fuisse in Themistocle, quem facile Graeciae principem ponimus, singularem ferunt: qui quidem etiam pollicenti cuidam, se artem ei memoriae quae tum primum proferebatur traditurum, respondisse dicitur oblivisci se malle discere, credo, quod haerebant in memoria quaecunque audierat et viderat:' de Fin. ii. 32. 104 'Themistocles quidem, cum ei Simonides an quis alius artem memoriae polliceretur, oblivionis, inquit, mallem: nam memini etiam quae nolo, oblivisci non possum quae volo.'

9. **Videsne**: § 162 (note).

10. **quam potens** with *mens*, not (as Pid.) with *vis*.

11. **possemus**; occasioned by the preceding perfect with the force of an aorist: *possimus* is found only in 3 inferior MSS. Ellendt says he would have preferred the present if it had more authority in its favour: but cp. above, § 8, and Kühner's note on Tusc. i. 4. 7 'in quam exercitationem ita nos studiose dedimus, ut iam etiam scholas Graecorum more habere auderemus.'

13. **potius**, redundant after the comparative. It goes more closely with *oblivisci*, than with *optabilius*.

15. **Themistocli**: cp. note on *Demostheni*, i. 19. 88.

20. **ne quid offendas**, 'that you may not make any slip:' *quid* is adverbial (Roby, § 1094): *offendas* intrans.

ne quo inruas, 'that you may not run your head against anything;' a stronger expression than *offendas*.

22. **advocati**, 'supporters:' § 283 (note).

denique ut interrogemus: non moveor, non obtempero, non satis-
facio; neque tamen ullam adsequor laudem; homines enim
imperiti facilius quod stulte dixeris reprehendere quam quod
302 sapienter tacueris laudare possunt. Hic quantum fit mali, si
iratum, si non stultum, si non levem testem laeseris! Habet
enim et voluntatem nocendi in iracundia et vim in ingenio et
pondus in vita. Nec, si hoc Crassus non committit, ideo non
multi et saepe committunt; quo quidem mihi turpius videri nihil
solet, quam quod ex oratoris dicto aliquo aut responso aut
rogato sermo ille sequitur: 'occidit.' 'Adversariumne?' 'Immo
75 vero' aiunt 'se et eum, quem defendit.' Hoc Crassus non putat
303 nisi perfidia accidere posse; ego autem saepissime video in causis
aliquid mali facere homines minime malos. Quid, illud, quod
supra dixi, solere me cedere et, ut planius dicam, fugere ea, quae
valde causam meam premerent, cum id non faciunt alii versan-
turque in hostium castris ac sua praesidia dimittunt, mediocri-
terne causis nocent, cum aut adversariorum adiumenta confirmant
304 aut ea, quae sanare nequeunt, exulcerant? Quid, cum perso-
narum, quas defendunt, rationem non habent, si, quae sunt in eis
invidiosa, non mitigant extenuando, sed laudando et efferendo
invidiosiora faciunt, quantum est in eo tandem mali? Quid, si
in homines caros iudicibusque iucundos sine ulla praemunitione
orationis acerbius et contumeliosius invehare, nonne a te iudices

9. *quam quod M* H: [*quam*] *quod* Madv.: *quam cum* KS. 10. *rogato* KS auctore Madvigio: *rogatu* ω P.

7. **ideo,** 'does it follow that:' § 37 'eo:' pro Cael. 9. 21 'vestrae sapientiae est, iudices, non, si causa iusta est viris fortibus oppugnandi M. Caelium, ideo vobis quoque vos causam putare esse iustam.'

8. **quo quidem . . . quam:** cp. § 38 (note).

10. **rogato:** for the more usual *rogatu,* for the sake of conformity with the preceding participles (Roby, § 1406). Cp. Halm on Verr. v. 53. 139 'satis est factum promisso nostro ac recepto,' where 'recepto' is used for 'undertaking' by a similar assimilation. Nägelsb. Stil. § 28.

11. **aiunt,** rarely used parenthetically without *ut*: in Or. 11. 36 'Ennio delector, ait quispiam, quod non discedit a communi more verborum: Pacuvio, inquit alius,' etc., it is doubtless employed to avoid the repetition of *inquit.* The only other instance quoted from Cicero by Kühner (ii. 1025) is ad Fam. ii. 10. 2. There is no instance in either of Merguet's lexicons. It is more common in the poets.

13. **Quid, illud, quod,** etc.: *illud* is simply anticipatory of the *id,* which is the object of *faciunt.* For *quid* introducing a lively rhetorical question cp. i. §§ 37, 39. The sentence is best broken up into two for translation: 'I said just now that I was wont to give way, and to speak more plainly, to run away from points which told heavily against my case: well! when others do not do this, and take up a position in the stronghold of the enemy, and disband their own forces,' etc. Cp. pro Caec. § 83 'in meis castris praesidiisque versari' with Jordan's note.

19. **quae sunt in eis invidiosa,** 'any unpopular features.'

20. **caros:** § 206 (note).

abalienes? Quid, si, quae vitia aut incommoda sunt in aliquo 305
iudice uno aut pluribus, ea tu in adversariis exprobrando non intellegas te in iudices invehi, mediocre*ne* peccatum est? Quid, si, cum pro altero dicas, litem tuam facias aut laesus efferare iracundia, causam relinquas, nihilne noceas? In quo ego, non quo libenter male audiam, sed quia causam non libenter relinquo, nimium patiens et lentus existimor; ut, cum te ipsum, Sulpici, obiurgabam, quod ministratorem peteres, non adversarium; ex quo etiam illud adsequor, ut, si quis mihi male dicat, petulans aut plane insanus esse videatur. In ipsis autem argumentis si 306
quid posueris aut aperte falsum aut ei, quod dixeris dicturusve sis, contrarium aut genere ipso remotum ab usu iudiciorum ac foro, nihilne noceas? Quid multa? Omnis cura mea solet in hoc versari semper—dicam enim saepius—si possim ut boni efficiam aliquid dicendo; sin id minus, ut certe ne quid mali.

Itaque nunc illuc redeo, Catule, in quo tu me paulo ante **76** 307

2. *in* PS cum codd. om. K. 8. *ministratorem* ω PSH: *me oratorem* ς K.

1. **incommoda**, 'defects.'

2. **exprobrando non intellegas**: Roby, § 1384. We should more naturally make the former the main verb: 'you taunt your opponents with these, without seeing that,' etc.; more literally 'while making these a matter of reproach in the case of your opponents.' The dative is more common after *exprobrare*: but cp. Or. 8. 26 'in hoc ipso . . . reprehendit Aeschines quaedam.' There does not seem to be sufficient reason for rejecting *in*, as has been done by many editors since Lambinus.

3. **mediocre*ne***: I have admitted the *-ne*, first added by Kayser, not as being indispensable, but as keeping up better the parallelism of the various clauses.

4. **cum dicas**: the subj. is only due to the attraction of the subj. *facias*: otherwise we should have had the indic. as above.

litem tuam facias, 'you lay yourself open to an action.' The phrase is technically used of a *iudex*, who pronounces an illegal sentence through bribery or favour. Cp. Gaius, iv. 52, with Muirhead's note. Here the phrase seems to be figurative: 'you incur a moral responsibility.' See reff. in Forcellini.

5. **causam relinquas**, 'lose sight of your case.' For the asyndeton cp. Roby, § 2204, and (more fully) Kühner, ii. 747 ff.

non quo . . . audiam, 'not that I like to be abused:' cp. § 277, and for the mood, i. 6. 23; Roby, § 1744.

7. **patiens et lentus**: § 279.

cum te . . . obiurgabam: Introd. pp. 14–15. For the tense see i. 24. 112.

8. **ministratorem**: this term denotes a kind of attorney who supplied the counsel with his facts: cp. pro Flacc. 22. 53 'idem hic Maeandrius quasi ministrator aderat, subiciens quid in suos civis civitatemque, si vellem, dicerem.' Antonius says that he retained sufficient coolness to find fault with Sulpicius for attacking his assistant and not himself, but we have no further indication of the nature or grounds of this attack.

9. **petulans**, 'wantonly attacking.'

12. **genere ipso**, 'essentially.'

14. **dicam**: cp. § 15 'vere dicam.'

§§ 307–332. *Antonius explains his views as to arrangement, and lays it down that the strongest arguments are to be placed at the beginning or at the end. Special care is to be taken as to the introduction, which is to excite the attention of the hearer and win his favour. Brief rules are then given as to the* narratio, *the* constitutio causae, *the* argumentatio, *and the* conclusio.

16. **in quo**, 'for which:' used commonly in Latin with verbs of praise, blame, complaint, etc.: **paulo ante**, § 179.

laudabas, ad ordinem conlocationemque rerum ac locorum; cuius ratio est duplex; altera, quam adfert natura causarum, altera, quae oratorum iudicio et prudentia comparatur: nam ut aliquid ante rem dicamus, deinde ut rem exponamus, post ut eam probemus nostris praesidiis confirmandis, contrariis refutandis, deinde ut concludamus atque ita peroremus, hoc dicendi natura ipsa
308 praescribit; ut vero statuamus ea, quae probandi et docendi causa dicenda sunt, quem ad modum componamus, id est vel maxime proprium oratoris prudentiae. Multa enim occurrunt argumenta; multa, quae in dicendo profutura videantur; sed eorum partim ita levia sunt, ut contemnenda sint; partim, etiamsi quid habent adiumenti, sunt non numquam eius modi, ut insit in eis aliquid vitii neque tanti sit illud, quod prodesse
309 videatur, ut cum aliquo malo coniungatur; quae autem utilia sunt atque firma, si ea tamen, ut saepe fit, valde multa sunt, ea, quae ex eis aut levissima sunt aut aliis gravioribus consimilia, secerni arbitror oportere atque ex oratione removeri: equidem cum conligo argumenta causarum, non tam ea numerare soleo
77 quam expendere. Et quoniam, quod saepe iam dixi, tribus rebus
310 homines ad nostram sententiam perducimus, aut docendo aut conciliando aut permovendo, una ex tribus his rebus res prae nobis est ferenda, ut nihil aliud nisi docere velle videamur; reliquae duae, sicuti sanguis in corporibus, sic illae in perpetuis orationibus fusae esse debebunt; nam et principia et ceterae

7. *de probandi et docendi causa M*, quae verba incl. K: *quae de causa dicenda sunt* Adler. 10. *multa* del. Reid. 24. *nam . . . . possint* incl. K.

1. **rerum**, 'subject-matter.'

2. **ratio duplex**, 'two ways of looking at it.' Introd. p. 53.

5. **praesidiis** is rejected by Vassis, but, as Reid notes, it may be abl. instr., *nostris* being a neuter substantive. It is certainly awkward to speak of 'praesidia refutare,' but perhaps not impossible. Cp. §§ 203, 303.

6. **dicendi natura ipsa**, 'the very nature of oratory:' cp. § 78.

10. **multa quae . . . videantur**, 'ay, and many which appear,' qualifying the preceding clause.

11. **eorum partim . . . sunt**: § 94; i. 31. 141. Roby, § 1429.

14. **quae autem utilia**, etc. 'In the case of those arguments:' the position of the words at the beginning of the sentence must be retained in translation.

19. **expendere**: cp. Or. 15. 48 'nec vero (orator) utetur imprudenter hac copia, sed omnia expendet, et seliget: non enim semper nec in omnibus causis ex eisdem [locis] argumentorum momenta sunt. Iudicium igitur adhibebit, nec inveniet solum quid dicat, sed etiam expendet.'

21. **prae nobis est ferenda**, 'must be openly put forward.'

23. **sic illae** resumes **reliquae duae**: cp. 'sic illum,' § 257.

in perpetuis orationibus, 'throughout the whole of each speech.'

24. **nam et principia . . . possint**. The whole clause is bracketed by Kayser. But there is nothing unnatural in this explanation of the preceding **illae . . . debebunt**: and it is expressly pointed out afterwards that both the *narratio* (§ 326)

partes orationis, de quibus paulo post pauca dicemus, habere
hanc vim magno opere debent, ut ad eorum mentis, apud quos
agetur, movendas per*tinere* possint. Sed his partibus orationis 311
quae, etsi nihil docent argumentando, persuadendo tamen et
commovendo proficiunt plurimum, quamquam maxime proprius
est locus et in exordiendo et in perorando, digredi tamen ab eo,
quod proposueris atque agas, permovendorum animorum causa
saepe utile est; itaque vel re narrata et exposita saepe datur ad 312
commovendos animos digrediendi locus, vel argumentis nostris
confirmatis vel contrariis refutatis vel utroque loco vel omnibus,
si habet eam causa dignitatem atque copiam, recte id fieri potest;
eaeque causae sunt ad augendum et ad ornandum gravissimae
atque plenissimae, quae plurimos exitus dant ad eius modi
digressionem, ut eis locis uti liceat, quibus animorum impetus
eorum, qui audiant, aut impellantur aut reflectantur. Atque 313
etiam in illo reprehendo eos, qui, quae minime firma sunt, ea
prima conlocant; in quo illos quoque errare arbitror, qui, si
quando—id quod mihi numquam placuit—pluris adhibent patronos, ut in quoque eorum minimum putant esse, ita eum primum

4. *argumentando, persuadendo et commovendo* incl. K. Lambino auctore. 12. *augendum* ς PS *agendum M* Ell. K.

and the *conclusio* (§ 332) should work upon the feelings. The reading of the best MSS. *permovere* cannot be sound, and is probably due to a copyist who had the preceding *movendas* still in his mind. The ordinary reading *permanare* (appearing in most MSS. as *permanere*) is probably only an unsuccessful attempt to emend this, and gives a very doubtful construction: if it is retained, it will be necessary at least to read *possit*, that *vis* may be the subject. But under the circumstances Sorof's conjecture *pertinere* is not too bold, and at once cures the grammar and the sense: 'that they may have their influence in moving the feelings,' etc. Cp. de Off. ii. 3. 11 'quae ad vitam hominum tuendam pertinent.' [Reid suggests *valere*, regarding *per* as due simply to a reading *permovendas*.]

3. **his partibus**, dative with *locus*, which is not used in its technical sense. Nor is *partibus* = 'divisions,' but rather 'portions.' 'But though those portions of a speech ... find their most suitable place in the exordium and the peroration,' etc.

7. **agas**, 'are dealing with.'

8. **re narrata et exposita**, 'after you have related the facts and stated your case.'

12. **gravissimae** goes with *ad augendum*; **plenissimae** with *ad ornandum*: cp. iii. 3. 12 'cum vitae flore tum mortis opportunitate ... et ornatum et exstinctum.' *Augendum* for the reading of most MSS. *agendum* is strongly supported by i. 21. 94 and ii. 19. 80, and has been admitted by most editors except Ell. and Kayser.

13. **exitus**, 'starting-points.'

16. **in illo**, sc. in respect of the 'collocatio locorum.' So *in quo* = 'and in this respect.'

18. **id quod mihi numquam placuit**: Cicero blames this practice in his own person in Brut. 57. 207 'quo nihil est vitiosius,' as spoiling the unity of the defence, and giving rise to inconsistencies. Cp. Ascon. in Scaur. p. 20 'defenderunt Scaurum sex patroni, cum ad id tempus raro quisquam pluribus quam quattuor uteretur: at post bella civilia ante legem Iuliam ad duodenos patronos est perventum.' Cicero's own speech for Murena has probably suffered in completeness from the fact that Hortensius and Crassus had already spoken in defence of Murena, before he rose.

19. **ut in quoque**, i. 27. 123 (note).

volunt dicere: res enim hoc postulat, ut eorum exspectationi, qui audiunt, quam celerrime succurratur; cui si initio satisfactum non sit, multo plus sit in reliqua causa laborandum, male enim se res habet, quae non statim, ut dici coepta est, melior fieri
314 videtur. Ergo ut in oratore optimus quisque, sic in oratione firmissimum quodque sit primum; dum illud tamen in utroque teneatur, ut ea, quae excellent, serventur etiam ad perorandum; si quae erunt mediocria, nam vitiosis nusquam esse oportet locum,
315 in mediam turbam atque in gregem coniciantur. Hisce omnibus rebus consideratis tum denique id, quod primum est dicendum, postremum soleo cogitare, quo utar exordio. Nam si quando id primum invenire volui, nullum mihi occurrit nisi aut exile aut
78 nugatorium aut volgare aut commune. Principia autem dicendi semper cum adcurata et acuta et instructa sententiis, apta verbis, tum vero causarum propria esse debent; prima est enim quasi

13. *aut commune H*: *atque commune AE.*

1. **ut exspectationi ... succurratur**: so *M*: *occurratur* (retained by Pid.) would have been the more usual expression: cp. pro Cluent. 23. 63 'multa dici possunt quare ita necesse fuerit iudicari, sed ego occurro exspectationi vestrae, iudices.' This means 'to anticipate:' the phrase in the text 'to assist in gratifying.'

5. **ut in oratore**, 'as in the choice of an orator:' i. 32. 144 (note).

6. **quodque**: if this is right, *argumentum* must be understood; but, perhaps, as Reid suggests, *quidque* should be read. Cp. § 325.

7. **excellent**, 'are to be the best of all:' cp. § 178 'qui audiet.'

serventur, 'should be reserved:' not, as Sorof says, a rare meaning of the word: cp. ad Att. v. 17. 1 'eo me servari:' pro Planc. 5. 13 'Sin temporibus te aliis reservasti, ego quoque . . . ad ea te tempore revocavi, ad quae tu te ipse servaras,' (inaccurately quoted in the lexicons based on Freund).

etiam: i.e. some should be kept to the last.

9. **in mediam turbam atque in gregem**: both these terms are often used for the undistinguished mass: so Brut. 97. 332 'ut te eripias ex ea, quam ego congessi in hunc sermonem, turba patronorum:' Lucr. ii. 920 'praeter volgum turbamque animantum:' pro Rosc. Am. 32. 89 'verum ego forsitan propter multitudinem patronorum in grege adnumerer:' cp. 'gregarius miles' for a private soldier.

11. **exordio**, the general term: cp. ad Her. i. 5 'exordiorum duo sunt genere *principium* quod Graece προοίμιον appellatur, et *insinuatio* quae ἔφοδος nominatur.' But Cic. (except in the de Invent. i. 15) does not distinguish the two kinds, and uses *exordium*, *principium*, *initium*, and *prooemium* indiscriminately.

13. **volgare aut commune**, 'hackneyed or undistinctive:' ad Her. i. 7. 11 'vitiosum exordium est, quod in pluris causas potest accommodari, quod volgare [εὐτελές: cp. Kayser, *ad loc.*] dicitur; item vitiosum est, quo nihilo minus adversarius potest uti, quod commune appellatur.' Whately, Rhetoric, Part I, ch. iv. § 1, calls this 'a just and valuable rule.'

14. **acuta** goes with *sententiis* as well as *instructa*: cp. Or. 36. 124 'principia verecunda, non elatis incensa verbis, sed acuta sententiis vel ad offensionem adversarii vel ad commendationem sui.' Quintil. iv. 1. 58 'ne quod insolens verbum, ne audacius translatum, ne aut ab obsoleta vetustate aut poetica licentia sumptum in principia deprehendatur: nondum enim recepti sumus et custodit nos recens audientium intentio.' Ar. Rhet. iii. 14; ad Her. i. 7. 11.

15. **causarum propria**, x vulgaria. Cp. Volkmann, Rhetorik, p. 105; iii. 27. 106; and below, § 318.

cognitio et commendatio orationis in principio, quaeque continuo eum, qui audit, permulcere atque adlicere debet; in quo admi- 316
rari soleo non equidem istos, qui nullam huic rei operam dederunt, sed hominem in primis disertum atque eruditum, Philippum, qui ita solet surgere ad dicendum, ut quod primum verbum habiturus sit, nesciat; et ait idem, cum bracchium concalefecerit, tum se solere pugnare; neque attendit eos ipsos, unde hoc simile ducat, primas illas hastas ita iactare leniter, ut et venustati vel maxime serviant et reliquis viribus suis consulant. Nec 317
est dubium, quin exordium dicendi vehemens et pugnax non saepe esse debeat, sed si in ipso illo gladiatorio vitae certamine, quo ferro decernitur, tamen ante congressum multa fiunt, quae non ad volnus, sed ad speciem valere videantur, quanto hoc magis in oratione est spectandum, in qua non vis potius quam delectatio postulatur! Nihil est denique in natura rerum omnium, quod se universum profundat et [quod] totum repente evolvat; sic omnia, quae fiunt quaeque aguntur acerrime, lenioribus principiis natura ipsa praetexuit. Haec autem in dicendo non extrinsecus ali- 318

1. *orationis* PS cum codd. *nostra* K. *quaeque MKSH*: *quae* SP.

1. **quaeque** introduces a second attribute corresponding to *prima*: render 'for we give a kind of first impression, and introduction of our speech in the preface, and this ought at once to charm and attract the hearer.'

2. **admirari**, as in § 12, with a connotation of blame rather than praise.

4. **Philippum**, § 220: iii. 1. 4. Quint. iv. 1. 61 'turbari memoria vel continuandi verba facultate destitui nusquam turpius, cum vitiosum prooemium possit videri cicatricosa facies: et pessimus certe gubernator, qui navem, dum portu egreditur, impegit.'

7. **attendere** without *animum*, 'notice,' as in Acad. ii. 34. 111. Merguet quotes two similar instances from the speeches. It is much more common without an acc. and inf.

eos ipsos, sc. gladiators.

8. **leniter**: cp. § 212, where *lenis* is contrasted with *vehemens*.

et . . . . et: here the first *et* introduces the more important clause, not, as often, the second: we may invert in translation, 'they throw their first spears without straining, not only so as to spare their strength but also so as to pay the very greatest attention to grace.' For the **hastae**, cp. § 325.

11. **vitae certamine**, 'contest for life:' for the gen. cp. Roby, § 1318.

12. **quo**, 'wherein,' the preposition is frequently not repeated in such cases. Cp. § 208 (note), Mayor on Phil. ii. 26.

ante congressum, i. e. in the *prolusio*, before the trumpet sounded for the use of the *arma decretoria*: Marquardt, Röm. Alt. iii. 540. Ov. Ib. 45 'Utque petit primo plenum flaventis harenae | nondum calfacti velitis hasta solum.'

15. **se universum profundat**, as in § 88 'se se nimium profuderunt.' Sorof suggests that before *profundat* a word like *protinus* has been lost, corresponding to *repente*.

16. **[quod] totum repente evolvat**: all the better MSS. have *evolvat* or *volvat*: this makes it almost necessary with Kayser to bracket *quod*; otherwise it is very awkward to understand *se* before *totum*. Pid. retains the reading of the inferior MSS. *evolet*, on the ground that as *profundat* refers to breadth, we want a word distinctly referring to height. I doubt alike the premiss and the conclusion. **Universum** = 'as a whole;' **totum**, 'completely;' the former opposed to *singuli*, the latter to *pars*.

sic = 'so true it is that'; **fiunt natura**, **aguntur** ab hominibus.

18. **praetexuit**, 'has provided with,' as

cunde quaerenda, sed ex ipsis visceribus causae sumenda sunt;
idcirco tota causa pertemptata atque perspecta, locis omnibus
inventis atque instructis considerandum est quo principio sit
319 utendum. Sic et facile reperientur; sumentur enim ex eis rebus,
quae erunt uberrimae vel in argumentis vel in eis partibus, ad
quas dixi digredi saepe oportere; [ita] et momenti aliquid
adferent, cum erunt paene ex intima defensione deprompta, et
apparebit ea non modo non esse communia nec in alias causas
posse transferri, sed penitus ex ea causa quae [tum] agatur,
79 effloruisse. Omne autem principium aut rei totius, quae agetur,
320 significationem habere debebit aut aditum ad causam et communitionem aut quoddam ornamentum et dignitatem; sed oportet,
ut aedibus ac templis vestibula et aditus, sic causis principia pro
portione rerum praeponere; itaque in parvis atque infrequenti-
321 bus causis ab ipsa re est exordiri saepe commodius; sed cum

1. *ipsis MPK. ipsius OPS.* monente Str. *quaeritur AEH.* 9. *quae tum agatur* incl. K. *tum* incl. H, 11. *ad commutationem M*: *munitionem OPH.*

a kind of screen or fringe. Ov. Fast. iv. 953 'state Palatinae laurus, praetextaque quercu stet domus.' Tac. Germ. 34 'Frisii Rheno praetexuntur.' Cic. de Div. ii. 54. 112 'ex primo versu cuiusque sententiae primis litteris illius sententiae carmen omne praetexitur.'

1. **visceribus**, 'heart.'

2. **pertemptata**, 'thoroughly considered.'

4. **reperientur.** This passage is seriously corrupted in the MSS., apparently by the reckless alterations of a copyist, who did not understand the construction. The reading of most MSS. and the earlier editors is 'reperietur, sumetur . . . ita et momenti . . . depromptae . . . eas . . . communes:' which Pid[4]. retains, taking *principium* to be the subject of the first two verbs, and *res* to be the subject of *depromptae.* But it was seen even by Manutius that the latter cannot possibly be right: hence it is necessary with all other recent editors (and some of the earlier ones) to correct 'depromptae . . . eas . . . communes' into the neuter: then it becomes much simpler with Madvig (and others) to reject *ita*; and to regard *reperientur, sumentur, afferant,* and *deprompta* as all having the same subject, which is the *haec* of the first clause of the section. Then *Idcirco — utendum* is practically parenthetical.

10. **effloruisse**: a very common metaphor in Cicero, found in *AEH* here (*et floruisse*), and certainly to be preferred to the old reading *effluxisse*: cp. i. 6. 20; iii. 48. 185; Reid on Lael. 27. 100. *B* here has *et flevisse*! *Z* has *effloruisse* corrected from *et floruisse.* Doubtless Cic. wrote *ecfloruisse.*

11. **communitionem**, 'paving of the way:' Ar. Rhet. iii. 14. 1 τὸ μὲν οὖν προοίμιόν ἐστιν ἀρχὴ λόγου ὅπερ ἐν ποιήσει πρόλογος καὶ ἐν αὐλήσει προαύλιον· πάντα γὰρ ἀρχαὶ ταῦτ᾽ εἰσί, καὶ οἷον ὁδοποίησις τῷ ἐπιόντι. The word is not found elsewhere in good Latin; hence Harn. prefers *munitionem*; but *communire* is common enough.

13. **vestibula et aditus**: Or. 15. 50 'vestibula nimirum honesta aditusque ad causam faciet [orator] illustres.'

14. **infrequentibus**: supported, I think, by the general drift of the passage. The MSS. are curiously divided, *AH* with *M*[2] having *infrequentibus, E* and γ *frequentibus.* Pid. defends 'in frequentibus' in the sense of 'cases of daily occurrence,' denying the use of *infrequens* in the sense of 'not much visited,' i.e. 'not attractive,' except with the names of places and collective expressions: but from Livy's 'infrequentia signa' (x. 20. 8, etc.) = 'standards with few men around them,' the transition is not great to a phrase like that in the text. Translate 'in petty cases, not exciting much attention.' Cp. Ar. Rhet. iii. 14 ἂν δῆλον ᾖ καὶ μικρὸν τὸ πρᾶγμα, οὐ χρηστέον προοιμίῳ.

erit utendum principio, quod plerumque erit, aut ex reo aut ex adversario aut ex re aut ex eis, apud quos agetur, sententias duci licebit. Ex reo, (reos appello, quorum res est), quae significent bonum virum, quae liberalem, quae calamitosum, quae misericordia dignum, quae valeant contra falsam criminationem; ex adversario eisdem ex locis fere contraria; ex re, si crudelis, si 322
nefanda, si praeter opinionem, si immerito, si misera, si ingrata, si indigna, si nova, si quae restitui sanarique non possit; ex eis autem, apud quos agetur, ut benevolos beneque existimantis efficiamus, quod agendo efficitur melius quam rogando. Est id quidem in totam orationem confundendum nec minime in extremam; sed tamen multa principia ex eo genere gignuntur. Nam 323
et attentum monent Graeci ut principio faciamus iudicem et docilem; quae sunt utilia, sed non principii magis propria quam reliquarum partium; faciliora etiam in principiis, quod et attenti tum maxime sunt, cum omnia exspectant, et dociles magis in initiis esse possunt; inlustriora enim sunt, quae in principiis quam quae in mediis causis dicuntur aut arguendo aut refellendo. 324
Maximam autem copiam principiorum ad iudicem aut adliciendum aut incitandum ex eis locis trahemus, qui ad motus animorum conficiendos inerunt in causa, quos tamen totos explicare in principio non oportebit, sed tantum impelli iudicem primo leviter, ut iam inclinato reliqua incumbat oratio. Conexum **80**
325

3. *reos. . . . est* incl. K. *etiam* ω: *autem* voluit Ell. 17. *in initiis* PS: [*initiis*] K Ell. 21. *explicare M*: *explicari* ς.

1. **ex reo**: cp. Ar. Rhet. iii. 14. 7 λέγεται δὲ ταῦτα ἔκ τε τοῦ λέγοντος καὶ τοῦ ἀκροατοῦ καὶ τοῦ πράγματος καὶ τοῦ ἐναντίου. Cicero is evidently closely following Aristotle, but ὁ λέγων has a wider meaning than *reus*, including *actor* as well. This Quintil. iv. 1. 6 seems to have overlooked in apparently, at least, charging Aristotle with omitting the *actor*. Cp. Cope's note in loc.

3. **reos appello**, § 183.

6. **eisdem ex locis**, §§ 182, 215.

7. **nefanda**: so the better MSS., for the vulgate *infanda*, which is only used by Cicero in pro Sest. 55. 117, and is very doubtful there. It is a poetical word.

immerito, 'unaccompanied by guilt.'

10. **quod agendo**: cp. § 82. Ar. Rhet. iii. 14 ἔτι τὸ προσεκτικοὺς ποιεῖν πάντων τῶν μερῶν κοινόν, ἐὰν δέῃ· πανταχοῦ γὰρ ἀνιᾶσι μᾶλλον ἢ ἀρχόμενοι. διὸ γελοῖον ἐν ἀρχῇ τάττειν ὅτε μάλιστα πάντες προσέχοντες ἀκροῶνται.

11. **confundendum**: cp. *fusae*, § 310.

12. **ex eo genere**, i.e. from the endeavour to secure the attention and favour of the judges.

17. **in initiis**: not a technical expression for *in exordiis* or *in principiis*, but used here quite as equivalent, to vary the phrase.

inlustriora, 'clearer.'

18. **arguendo**, 'in respect of proving:' Roby, § 1384. Cp. Or. 67. 225 'cum aut arguas aut refellas.'

21. **conficiendos**. This word does not require any alteration, as some have suggested (i.e. *ciendos*, *conciendos*, or *concitandos*): we may surely talk of *producing* emotions, just as well as of *calling* them out.

24. **iam inclinato**, § 187. Nägelsb. Stil. p. 360.

Conexum autem, etc. Cp. Quint. iv.

autem ita sit principium consequenti orationi, ut non tamquam citharoedi prooemium adfictum aliquid, sed cohaerens cum omni corpore membrum esse videatur. Nam non nulli, cum illud meditati ediderunt, sic ad reliqua transeunt, ut audientiam fieri sibi *non* velle videantur. Atque eius modi illa prolusio debet esse, non ut Samnitium, qui vibrant hastas ante pugnam, quibus in pugnando nihil utuntur, sed ut ipsis sententiis, quibus prolu- serint, vel pugnare possint.

326 Narrare vero rem quod breviter iubent, si brevitas appellanda est, cum verbum nullum redundat, brevis est L. Crassi oratio; sin tum est brevitas, cum tantum verborum est, quantum necesse est, aliquando id opus est; sed saepe obest vel maxime in narrando, non solum quod obscuritatem adfert, sed etiam quod eam virtutem, quae narrationis est maxima, ut iucunda et ad persuadendum accommodata sit, tollit. Videant illa

nam is postquam excessit ex ephebis . . . .

5. *nolle* ς : *velle AEH* : *non velle* Fr. H. 15. *accommodata* PS. *occupata M*, unde K coniecit *adcurata*. *vident illa AEH* : *videatur illa* Fr. : *videant illa* S. *videant illam* Lg. 32 K. *vel illa* P : *velut illa* H : verba delet Reid.

1. 1 'quod principium Latine vel exordium dicitur, maiore quadam ratione Graeci videntur προοίμιον nominasse . . . nam sive propterea quod οἴμη cantus est et citharoedi pauca illa, quae, antequam legitimum certamen inchoant, emerendi favoris gratia canunt, prooemium cognominaverunt, oratores quoque ea quae priusquam causam exordiantur, ad conciliandos sibi iudicum animos praeloquuntur, eadem appellatione signarunt, sive, etc.' Ar. Rhet. iii. 14. 1 τὸ μὲν οὖν προαύλιον ὅμοιον τῷ τῶν ἐπιδεικτικῶν προοιμίῳ· καὶ γὰρ οἱ αὐληταί, ὅ τι ἂν εὖ ἔχωσιν αὐλῆσαι, τοῦτο προαυλήσαντες συνῆψαν τῷ ἐνδοσίμῳ, καὶ ἐν τοῖς ἐπιδεικτικοῖς λόγοις δεῖ οὕτω γράφειν.

2. **aliquid**, the reading of Lg. 4 is much better than the vulgate *aliquod*, which seems due to the proximity of *prooemium*; to take *aliquod* as agreeing with it gives a poorer sense. In § 339 *M* have *aliquod*.

4. **audientiam**, 'attentive hearing:' Reid on Cat. Mai. 9. 28 'facitque persaepe ipsa sibi audientiam diserti senis compta et mitis oratio:' Div. in Caec. 13. 42 'Iam nunc mente et cogitatione perspicio quantam denique audientiam orationi meae improbitas illius factura sit.'

6. **Samnitium**: Liv. ix. 40. 17 'Campani ab superbia et odio Samnitium gladiatores, quod spectaculum inter epulas erat, eo ornatu armarunt Samnitiumque nomine compellarunt.' Cp. Friedländer, Sittengesch. ii. 326, and above § 317.

9. **breviter**: de Inv. i. 20. 28 'oportet igitur eam (narrationem) tris habere res, ut brevis, ut aperta, ut probabilis sit.' Cicero's judgment here quite agrees with that of Aristotle, Rhet. iii. 16 νῦν δὲ γελοίως τὴν διήγησίν φασι δεῖν εἶναι ταχεῖαν, . . δεῖ γὰρ μὴ μακρῶς διηγῆσθαι ὥσπερ οὐδὲ προοιμιάζεσθαι μακρῶς, οὐδὲ τὰς πίστεις λέγειν· οὐδὲ γὰρ ἐνταῦθά ἐστι τὸ εὖ ἢ τὸ ταχὺ ἢ τὸ συντόμως, ἀλλὰ τὸ μετρίως· τοῦτο δὲ ἐστὶ τὸ λέγειν ὅσα δηλώσει τὸ πρᾶγμα, ἢ ὅσα ποιήσει ὑπολαβεῖν γεγονέναι ἢ βεβλαφέναι ἢ ἠδικηκέναι, ἢ τηλικαῦτα ἡλίκα βούλει· τῷ δ' ἐναντίῳ τὰ ἐναντία.

11. **tantum**, § 150.

15. **Videant illa**: sc. '*qui narrare breviter iubent*.' This reading comes nearest to that of the best MSS., and suits the context at least as well as any other that has been extracted out of the curiously varied tradition. The following quotations are from Terence, Andr. 51. 117.

16. **excessit ex ephebis** = ἐξῆλθεν ἐξ ἐφήβων (Xen. Cyr. i. 2. 12); so Cicero says (pro Arch. 3. 4) 'ut primum ex pueris excessit Archias.'

quam longa est narratio! Mores adulescentis ipsius et servilis 327
percontatio, mors Chrysidis, voltus et forma et lamentatio sororis, reliqua pervarie iucundeque narrantur. Quodsi hanc brevitatem quaesisset:

effertur, imus, ad sepulcrum venimus,
in ignem imposita est,

[fere] decem versiculis totum conficere potuisset; quamquam hoc ipsum 'effertur, imus,' concisum est ita, ut non brevitati
servitum sit, sed magis venustati. Quodsi nihil fuisset, nisi 'in 328
ignem imposita est,' tamen res tota cognosci facile potuisset. Sed et festivitatem habet narratio distincta personis et interpuncta sermonibus, et est et probabilius, quod gestum esse dicas, cum quem ad modum actum sit exponas, et multo apertius ad intellegendum est, si † constituitur aliquando ac non ista brevitate
percurritur. Apertam enim narrationem tam esse oportet quam 329
cetera; sed hoc magis in hac elaborandum est, quod et difficilius est non esse obscurum in re narranda quam aut in principio aut in argumentando aut in perorando; et maiore etiam periculo haec pars orationis obscura est quam ceterae, vel quia, si quo

7. *fere* om. S. (cum codd. opt.) incl. K. 16. *in hac*: *in hoc* voluit Fr. 18. *in argumentando aut in perorando* PS. *in arguendo aut purgando aut perorando* K. *in argumento* [*aut purgando aut perorando*] *M* Fr.

1. **adulescentis**, sc. 'Pamphilus': **servilis percontatio**, 'the questions of the slave Sosia.' Simo is represented as describing to his slave at some length the excellent character of his son Pamphilus, the death of Chrysis, an Andrian *hetaera* at Athens, the charming appearance of her sister Glycerium, her grief at the funeral, the sympathy of Pamphilus, and his alarm when Glycerium appeared to be in danger at the funeral pyre.

5. **effertur**: the earlier form *ecfertur* does not appear in any MS. here, and only in two of Terence (cp. Umpfenbach). The line is made up of the first half of v. 117 and the latter part of v. 128.

6. **in ignem imposita est**: the MSS., both here and in Terence, vary between *posita* and *imposita*. Pid. and Sorof read *in igni positast*, without any authority for the ablative. Cp. Rhein. Mus. N. F. xxiv. 138.

7. **totum**, for *totam rem*, a usage without a parallel in Cicero.

8. **concisum**, 'cut down,' almost equal to our 'concise.'

9. **servitum sit**, 'regard is paid,' § 171.

11. **festivitatem**, 'liveliness:' de Inv. i. 19. 27 'illa narratio quae versatur in personis eiusmodi est, ut in ea simul cum rebus ipsis personarum sermones et animi perspici possint. Hoc in genere multa inesse debet festivitas, confecta ex rerum varietate,' etc. **distincta**, 'diversified.' **interpuncta**, 'broken up.'

14. **constituitur**. The reading of the MSS. has been defended by rendering 'is brought to a halt,' but this is very dubious Latin. Some editors accept the conjecture of Lambinus 'consistitur,' but we cannot have an impersonal verb parallel to *percurritur*. We need some word like 'explicatur.'

15. **apertam** = σαφῆ, 'clear:' cp. note on § 83.

18. **argumentando**, the generally received conjecture of Lambinus for *argumento*: [*aut purgando*] can hardly be anything but a copyist's mistake for *perorando*. The special force which the word has as a technical term in rhetoric 'cum consulto negat se reus fecisse' (ad Her. i. 14. 24) is quite out of place here.

alio in loco est dictum quid obscurius, tantum id perit, quod ita dictum est, narratio obscura totam occaecat orationem; vel quod alia possis, semel si obscurius dixeris, dicere alio loco planius, narrationis unus est in causa locus. Erit autem perspicua narratio, si verbis usitatis, si ordine temporum servato, si **81** non interrupte narrabitur. Sed quando utendum sit aut non sit 330 narratione, id est consilii; neque enim si nota res est nec dubium quid gestum sit, narrare oportet, nec si adversarius narravit, nisi si refellemus; ac si quando erit narrandum, nec illa, quae suspicionem et crimen efficient contraque nos erunt, acriter persequemur et, quicquid potuerit, detrahemus; ne illud, quod Crassus, si quando fiat, perfidia, non stultitia fieri putat, ut causae noceamus, accidat. Nam ad summam totius causae pertinet, caute an contra demonstrata res sit, quod omnis orationis reliquae fons est narratio.

331 Sequitur, ut causa ponatur, in quo videndum est, quid in controversiam veniat; tum suggerenda sunt firmamenta causae coniuncte et infirmandis contrariis et tuis confirmandis. Namque una in causis ratio quaedam est eius orationis, quae ad probandam argumentationem valet; ea autem et confirmationem et reprehensionem quaerit; sed quia neque reprehendi, quae contra dicuntur, possunt, nisi tua confirmes, neque haec confirmari, nisi

10. **persequemur**: so Kayser, followed by Sorof, corrected the reading of (apparently all, not as Sorof says most) MSS. *persequamur*, which is at variance with the usual practice of Antonius in giving his rules, and which is due only to the very general corruption of *nec* into *ne*. **Nec . . . et** correspond, as often, *et* being equivalent to *et tamen*. Friedrich defends the subjunctive: cp. Ströbel, p. 12.

11. **potuerit**: so the good MSS.: *poterit* is retained by Kayser and Pid. [*detrahi* seems to have fallen out before *detrahemus* J. S. R.]

14. **demonstrata**, 'stated' as in i. 31. 143, not 'proved.'

16. **Sequitur**, 'the next thing is:' de Off. i. 27. 93. In this sense *sequi* seems always to be followed by *ut*: when used with the meaning 'the result is that,' it takes sometimes acc. c. inf., sometimes *ut* with subj. Kühner, ii. 812. *inde*, *ex quo*, etc., are *not* used with it: Seyffert, Lael.[2] p. 398. Krebs-Schmalz, Antib. ii. 515.

ponatur, i. 33. 149. This part of the subject has been fully discussed in § 132 ff. and § 163 ff.

17. **suggerenda**, § 117. **firmamenta**, not limited, as Sorof says, to the main support of the defence: cp. pro Mur. 28. 58 'firmamentum ac robur totius accusationis.'

18. **contrariis et tuis**: neuters, used as substantives: cp. § 80. The case seems to be abl.: 'by rejecting your opponents' arguments and establishing your own at the same time.' Part. Or. 35. 122 'in confirmandis autem nostris argumentationibus infirmandisque contrariis.'

Namque, etc. For in dealing with cases that part of the pleading which aims at establishing your line of argument has but one object in view, if I may say so. **quaedam**, § 185.

20. **confirmationem**: Or. part. 9. 33 'quae quidem [ea quae ad faciendam fidem pertinent] in confirmationem et reprehensionem dividuntur:' 12. 44; 35. 120; de Inv. i. 42 'reprehensio est per quam argumentando adversariorum confirmatio diluitur aut elevatur.'

illa reprehendas, idcirco haec et natura et utilitate et tractatione
coniuncta sunt. Omnia autem concludenda *sunt* plerumque re- 332
bus augendis vel inflammando iudice vel mitigando; omniaque
cum superioribus orationis locis tum maxime extremo ad mentis
iudicum quam maxime permovendas et ad utilitatem nostram
vocandas conferenda sunt.

Neque sane iam causa videtur esse cur secernamus ea prae- 333
cepta, quae de suasionibus tradenda sunt aut laudationibus,
sunt enim pleraque communia, sed tamen suadere aliquid aut
dissuadere gravissimae mihi personae videtur esse; nam et sapi-
entis est consilium explicare suum de maximis rebus et honesti
et diserti, ut mente providere, auctoritate probare, oratione per-
suadere possis. Atque haec in senatu minore apparatu agenda **82**
sunt; sapiens enim est consilium multisque aliis dicendi relin-
quendus locus, vitanda etiam ingenii ostentationis suspicio:
contio capit omnem vim orationis et gravitatem, varietatemque 334
desiderat. Ergo in suadendo nihil est optabilius quam dignitas;
nam qui utilitatem petit, non quid maxime velit suasor, sed quid
interdum magis sequatur, videt. Nemo est enim, praesertim in

3. *inflammandos A* (non *H*): *inf. sunt* St. 4. *extremo . . . maxime* om. *M.* 18. *petit M. putat* vulg.

1. **et natura,** 'not only by nature, but also in respect of the assistance they can give, and the manner in which they are to be treated.'

3. **augendis,** i. e. by exaggerating the points in your favour, whether that is to be done by exciting the judge, or by calming the feelings aroused by your opponent. But this is a strained interpretation: it seems very probable, as Reid suggests, that we should read 'vel rebus augendis inflammando iudice.' Cp. i. 31. 143; iii. 26. 104; Ar. Rhet. iii. 19. 1 ὁ δ' ἐπίλογος σύγκειται ἐκ τεττάρων ἔκ τε τοῦ πρὸς ἑαυτὸν κατασκευάσαι εὖ τὸν ἀκροατὴν καὶ τὸν ἐναντίον φαύλως, καὶ ἐκ τοῦ αὐξῆσαι καὶ ταπεινῶσαι, καὶ ἐκ τοῦ εἰς τὰ πάθη τὸν ἀκροατὴν καταστῆσαι, καὶ ἐξ ἀναμνήσεως. Cp. Sandys' note in loc. and some excellent remarks on the quiet tone of the perorations of the Attic orators in Jebb's Attic Orators, i. p. ciii.

7. **iam,** 'again.'

9. **sed tamen,** i. e. but there are some points of difference, for, etc. This was a consideration ignored in the ordinary school-rhetoric.

10. **gravissimae personae,** 'to require a character of the greatest weight;' equivalent to *dignitas* in § 334. For it requires not only wisdom to state your views on matters of great importance, but also a high character and eloquence, in order that you may shew foresight, establish your case by your influence, and persuade by your oratory.

11. **consilium,** § 165 (note).

13. **apparatu**: cp. i. 53, 229.

15. **ingenii ostentationis**: Div. in Caec. 11. 36 'cum omnis adrogantia odiosa est, tum illa ingenii atque eloquentiae longe molestissima.' The experience of our House of Commons fully bears out the remark of Antonius.

16. **capit,** 'admits.'

17. **Ergo,** resumptive, after the parenthetical remark upon the *contio.*

18. **utilitatem petit,** 'a man who demands (a regard to) expediency' from his adviser, loses sight of his ultimate object, and sees only what is sometimes his more immediate object. The reading of the inferior MSS. *putat* is at first sight simpler, 'he that considers expediency' the main thing, but is not really better. Reid suggests *expetit.*

tam clara civitate, quin putet expetendam maxime dignitatem, sed vincit utilitas plerumque, cum subest ille timor ea neglecta
335 ne dignitatem quidem posse retineri. Controversia autem est inter hominum sententias aut in illo, utrum sit utilius; aut etiam, cum id convenit, certatur, utrum honestati potius an utilitati consulendum sit; quae quia pugnare inter se saepe videntur, qui utilitatem defendet, enumerabit commoda pacis, opum, potentiae, vectigalium, praesidii militum, ceterarum rerum, quarum fructum utilitate metimur, itemque incommoda contrariorum; qui ad dignitatem impellet, maiorum exempla, quae erant vel cum periculo gloriosa, conliget, posteritatis immortalem memoriam augebit, utilitatem ex laude nasci defendet semperque eam cum
336 dignitate esse coniunctam. Sed quid fieri possit aut non possit quidque etiam sit necesse aut non sit, in utraque re maxime est quaerendum; inciditur enim omnis [iam] deliberatio, si intellegitur non posse fieri aut si necessitas adfertur; et qui id docuit non
337 videntibus aliis, is plurimum vidit. Ad consilium autem de re publica dandum caput est nosse rem publicam; ad dicendum vero probabiliter nosse mores civitatis, qui quia crebro mutantur, genus

7. *defendet* S. *defendit* ω KP. 9. *metiamur H. metimus A.* 10. *impellet* S. *impellit* ω KP. 15. *iam* om. *M*K, nescio an recte.

2. **vincit**, 'gains the upper hand:' de Off. iii. 4. 19 'vicit ergo utilitas honestatem? Immo vero honestas utilitatem; honestatem utilitas secuta est.'

timor is not one of the verbal substantives often followed by acc. and inf. Cp. Roby, § 1351.

4. **inter hominum sententias**, a periphrastic expression for 'inter homines.'

5. **certatur** is really redundant after 'aut in illo . . . aut.'

7. **defendet**: MSS. *defendit*: Sorof's correction is necessary; otherwise 'qui utilitatem defendit' would mean 'the man who is always a champion of expediency,' not, as the sense requires, 'the man who on any occasion is defending.'

8. **praesidii militum**, 'the protection afforded by an army.'

9. **contrariorum**: neuter as in § 331.

10. **quae erant**, so Reid corrects the vulgate *erunt*, which seems due only to the futures near it.

12. **augebit**, 'he will magnify the importance of:' cp. i. 21. 94 'augere atque ornare.'

13. **Sed quid fieri possit**: from Ar. Rhet. i. 4. 2 *ὅσα δὲ ἐξ ἀνάγκης ἢ ἐστὶν ἢ ἔσται ἢ ἀδύνατον εἶναι ἢ γενέσθαι, περὶ δὲ τούτων οὐκ ἔστι συμβουλή*, repeated in Part. Or. 24. 83 'est igitur in deliberando finis utilitas, ad quem ita referantur omnia in consilio dando sententiaque dicenda, ut illa prima sint suasori aut dissuasori videnda, quid aut possit fieri aut non possit, et quid aut necesse sit aut non necesse. Nam et, si quid effici non potest, deliberatio tollitur, quamvis utile sit; et, si quid necesse est—necesse autem id est, sine quo salvi liberive esse non possumus—id est reliquis et honestatibus in civili ratione et commodis anteponendum.'

15. **inciditur**, 'cut short:' Hor. Ep. i. 14. 36 'nec lusisse pudet, sed non incidere ludum.'

iam, 'at once,' without any further question.

18. **caput est**: Ar. Rhet. i. 8. 1 *μέγιστον δὲ καὶ κυριώτατον ἁπάντων πρὸς τὸ δύνασθαι πείθειν καὶ καλῶς συμβουλεύειν, τὰς πολιτείας ἁπάσας λαβεῖν καὶ τὰ ἑκάστης ἔθη καὶ νόμιμα καὶ συμφέροντα διελεῖν· πείθονται γὰρ ἅπαντες τῷ συμφέροντι, συμφέρει δὲ τὸ σῶζον τὴν πολιτείαν.*

19. **civitatis**, 'of the citizens:' Acad. ii. 45. 137 'non dubitavisset quin et praetor ille esset et Roma urbs, et eam civitas incoleret.'

quoque orationis est saepe mutandum; et quamquam una fere vis est eloquentiae, tamen quia summa dignitas est populi, gravissima causa rei publicae, maximi motus multitudinis, genus quoque dicendi grandius quoddam et inlustrius esse adhibendum videtur; maximaque pars orationis admovenda est ad animorum motus non numquam aut cohortatione aut commemoratione aliqua aut in spem aut in metum aut ad cupiditatem aut ad gloriam concitandos, saepe etiam a temeritate, iracundia, spe, iniuria, invidia, crudelitate revocandos. Fit autem, ut, quia maxima quasi oratoris **83** scaena videatur contionis esse, natura ipsa ad ornatius dicendi **338** genus excitemur; habet enim multitudo vim quandam talem, ut, quem ad modum tibicen sine tibiis canere, sic orator sine multitudine audiente eloquens esse non possit. Et cum sint populares **339** multi variique lapsus, vitanda est adclamatio adversa populi, quae aut orationis peccato aliquo excitatur, si aspere, si adroganter, si turpiter, si sordide, si quo animi vitio dictum esse aliquid videtur, aut hominum offensione vel invidia, quae aut iusta est aut ex criminatione atque fama, aut res si displicet, aut si est in aliquo

9. *maxima . . . esse AHOP*: *oratori quasi scena videtur contio esse* K: *quasi oratori scena videtur contio esse* H: *quasi oratoris scaena videtur contio esse* ϛ HS. 12. *sine multitudine M*KS: *nisi* ϛ PH probante Reid. 16. *si quo* Lamb.: *si quom AH*: *si quoquo* ϛ.

1. **et quamquam**, etc. 'And although the essential character of eloquence is almost always the same, yet inasmuch as the dignity of the people is the most exalted, the cause of the state the most important, and the passions of the crowd the most violent,' etc.

4. **inlustrius**, 'more dazzling.'

10. **scaena contionis**: Lael. 26. 97 'quod si in scaena, id est in contione, in qua rebus fictis et adumbratis loci plurimum est, tamen verum valet, si modo id patefactum et illustratum est, quid in amicitia fieri oportet, quae tota veritate perpenditur?' **contionis** = 'that supplied by an address to the people:' cp. Madvig, § 280, obs. 2.

12. **sine tibiis**: Brut. 51. 192 'ego vero . . . ut in eis etiam causis, in quibus omnis res nobis cum iudicibus est, non cum populo, tamen si a corona relictus sim, non queam dicere' . . . 'Ita se re habet, ut, si tibiae inflatae non referant sonum, abiciendas eas sibi tibicen putet, sic oratori populi aures tamquam tibiae sunt; eae si inflatum non recipiunt, aut si auditor omnino tamquam equus non facit, agitandi finis faciendus est.'

13. **populares lapsus**, 'ways of offending the populace.' The substitution of the adjective for the genitive is especially common in Cicero. See Reid on pro Arch. § 3. Here it is rather for 'apud populum:' cp. 'populare munus' a largesse to the people in de Off. ii. 16. 56.

14. **adclamatio**, even without *adversa* always denotes in Cicero a shout of disapproval or ridicule: so pro Mur. 8. 18 'tu illam [provinciam habuisti] cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem:' in Pis. 65 'ne acclametur times? Ne id quidem est curare philosophi.' The notion of approbation (Tennyson's 'tumult of acclaim') is on the contrary, the more usual one from Livy downwards.

16. **quo**, 'any.' It is not *necessary*, with Lambinus, to read *si quo* for the reading of most MSS. *si quoquo*: but *si quom* in *AH* seems to point to this as the original reading, corrupted in *Eγ* into *cum*. Cp. Roby, § 2289; Kühner, ii. 789.

17. **hominum offensione**, 'ill-will towards the speakers.'

motu suae cupiditatis aut metus multitudo. His quattuor causis totidem medicinae opponuntur: tum obiurgatio, si est auctoritas; tum admonitio quasi lenior obiurgatio; tum promissio, si audierint, probaturos; tum deprecatio, quod est infirmum, sed non 340 numquam utile. Nullo autem loco plus facetiae prosunt et celeritas et breve aliquod dictum nec sine dignitate et cum lepore; nihil enim tam facile quam multitudo a tristitia et saepe ab acerbitate commode et breviter et acute et hilare dicto deducitur.

84 Exposui fere, ut potui, vobis in utroque genere causarum quae sequi solerem, quae fugere, quae spectare quaque omnino in causis 341 ratione versari. Nec illud tertium laudationum genus est difficile, quod ego initio quasi a praeceptis nostris secreveram; sed et quia multa sunt orationum genera et graviora et maioris copiae, de quibus nemo fere praeciperet, et quod nos laudationibus non ita multum uti soleremus, totum hunc segregabam locum; ipsi enim Graeci magis legendi et delectationis aut hominis alicuius ornandi quam utilitatis huius forensis causa laudationes scriptitaverunt; quorum sunt libri, quibus Themistocles, Aristides, Agesilaus, Epaminondas, Philippus, Alexander aliique laudantur; nostrae laudationes, quibus in foro utimur, aut testimonii brevitatem habent nudam atque inornatam, aut scribuntur ad funebrem

4. *infirmum M*PAH Str. *infimum* ς KS. 11. *laudationum* ω: *laudationis* *E*K. 13. *sunt* ω P. *essent* auctore Pearcio KS.

1. **motu cupiditatis**, 'excitement arising from desire.'

suae, emphatic from its position, 'on their own part.'

3. **promissio . . . probaturos**: pro Sest. 41. 89 'opinione id eum nunquam esse facturum.' Roby, § 1351. The subject to *probaturos* is 'the audience' or some other indefinite term, understood from 'si audierint:' 'at another time a promise that if they hear us out, they will agree with us.'

4. **infirmum**, the reading of *M*, is to be preferred to the vulgate *infimum*. 'To stoop to entreaties is a weak defence to rely upon.' It is thus virtually contrasted with 'si est auctoritas.'

5. **celeritas**, 'readiness.'

10. **solerem**, § 300 (note). The Latin perfect here corresponds to the Greek aorist of 'conversation,' rather than to our present complete.

11. **laudationum**, consisting in panegyrics;' a genitive of definition. Roby, § 1302. Dräger, § 202.

12. **initio**, § 47. **secreveram**, § 333.

14. **praeciperet**, 'laid down rules' (as I thought); the subjunctive is one of reported reason. The *sunt* of the MSS. can, I think, be defended, although Pearce's conjecture *essent* preserves the parallel with *soleremus*. There is nothing impossible in regarding the first reason as one given without any reference to its existence in the mind of the speaker, the second as having such a reference.

17. **huius**, i.e. which we are now considering.

19. **Alexander**: Plut. Dem. 9 refers to an ἐγκώμιον Ἀλεξάνδρου καὶ Φιλίππου βασιλέων by Lamachus of Myrinae. The life of Agesilaus by Xenophon (if it be his) is virtually, if not in form a panegyric. Isocrates asserts that his *Evagoras* (written not earlier than B.C. 374) was the first panegyric on a departed contemporary.

20. **testimonii**, 'witness to character,' not in trials, but rather incidentally introduced into public speeches, as so often by Cicero.

contionem, quae ad orationis laudem minime adcommodata est. Sed tamen, quoniam est utendum aliquando, non numquam etiam scribendum, vel ut Q. Tuberoni Africanum avunculum laudanti scripsit C. Laelius, vel ut nosmet ipsi ornandi causa Graecorum more, si quos velimus, laudare possimus, sit a nobis quoque tractatus hic locus. Perspicuum est igitur alia esse in homine 342
optanda, alia laudanda: genus, forma, vires, opes, divitiae cetera[que], quae fortuna dat aut extrinsecus aut corpori, non habent in se veram laudem, quae deberi virtuti uni putatur; sed tamen, quod ipsa virtus in earum rerum usu et moderatione maxime cernitur, tractanda in laudationibus etiam haec sunt naturae et fortunae bona, in quibus est summa laus non extulisse se in potestate, non fuisse insolentem in pecunia, non se praetulisse aliis propter abundantiam fortunae, ut opes et copiae non superbiae videantur ac libidini, sed bonitati ac moderationi facultatem et materiam dedisse. Virtus autem, quae est per se ipsa lauda- 343
bilis et sine qua nihil laudari potest, tamen habet pluris partis, quarum alia est alia ad laudationem aptior; sunt enim aliae

4. *vel ut . . . possimus* ω PSH. *velut . . . possumus* ς K. 7. *ceteraque quae*: *quaeque M.* 8. *corpore M.*

1. **ad orationis laudem**, 'to display the special excellence of oratory.'

2. **etiam**, 'and even,' an asyndeton.

3. **Q.** [Aelio] **Tuberoni**, the son of Aemilia, the sister of Scipio Aemilianus. He was a noted Stoic (Brut. 31. 117; pro Mur. 36. 75), and though a learned lawyer (Gell. i. 22. 7), had no more eloquence than most of his sect. For the shabby provision which he made for the funeral feast given in honour of his uncle, cp. pro Mur. 36. 75. Laelius as the most intimate friend of Scipio would naturally be the best fitted to write his *éloge*. The Schol. Bob. on *pro Milone* 7. 2 (Orelli, 6. 283) gives a different story: 'super Africani laudibus extat oratio C. Laelii Sapientis, qua usus videtur Q. Fabius Maximus [another nephew of Scipio] in laudatione mortui Scipionis,' and he quotes the last words of it. Ihne (Röm. Gesch. v. 61) accepts this account, and overlooks the more trustworthy authority of Cicero in the text. Orelli, l. c., thinks that Laelius wrote two panegyrics of Scipio, one for Tubero, one for Fabius Maximus. Cic. pro Mur. 36. 75 says that Maximus delivered a funeral speech, but not that Laelius wrote it.

laudanti, 'when he was eulogising,' i.e. preparing a eulogy.

vel ut . . . vel ut, i.e. either as '. . . or in order that.' The two occasions for writing are to help a friend, or to publish a written panegyric, like the Greeks.

5. **sit**: cp. many exx. in Seyffert's Lael.[2] p. 346.

6. **alia . . . laudanda**, 'that what is desirable is not identical with what is praiseworthy.'

10. **moderatione**, 'wise dealing with.'

12. **summa laus non extulisse**. Pid. and Sorof put a colon after *laus*, which needlessly obscures the construction.

14. **abundantiam fortunae**: this sums up and generalises the preceding *in potestate* and *in pecunia*, to which *opes* and *copiae* respectively correspond.

16. **virtus autem**: Ar. Rhet. i. 9 *καλὸν μὲν οὖν ἐστὶν ὃ ἂν δι' αὑτὸ αἱρετὸν ὂν ἐπαινετὸν ᾖ, ἢ ὃ ἂν ἀγαθὸν ὂν ἡδὺ ᾖ, ὅτι ἀγαθόν· εἰ δὲ τοῦτό ἐστι τὸ καλόν, ἀνάγκη τὴν ἀρετὴν καλὸν εἶναι· ἀγαθὸν γὰρ ὂν ἐπαινετόν ἐστιν.* Aristotle goes on to point out that those *μέρη ἀρετῆς* are the greatest which are most useful to others.

18. **alia est alia**: Ell. points out that, according to the law of *parisosis*, two

virtutes, quae videntur in moribus hominum et quadam comitate ac beneficentia positae; aliae, quae in ingenii aliqua facultate aut animi magnitudine ac robore; nam clementia, iustitia, benignitas, fides, fortitudo in periculis communibus iucunda est auditu
344 in laudationibus; omnes enim hae virtutes non tam ipsis, qui eas habent, quam generi hominum fructuosae putantur. Sapientia et magnitudo animi, qua omnes res humanae tenues ac pro nihilo putantur, et in excogitando vis quaedam ingenii et ipsa eloquentia admirationis habent non minus, iucunditatis minus: ipsos enim magis videntur, quos laudamus, quam illos, apud quos laudamus, ornare ac tueri. Sed tamen in laudando iungenda sunt etiam haec genera virtutum; ferunt enim aures hominum cum illa, quae iucunda et grata, tum etiam illa, quae mirabilia sunt in virtute,
85 laudari. Et quoniam singularum virtutum sunt certa quaedam
345 officia ac munera et sua cuique virtuti laus propria debetur, erit explicandum in laude iustitiae, quid cum fide, quid cum aequabilitate, quid cum eius modi aliquo officio is, qui laudabitur, fecerit; itemque in ceteris res gestae ad cuiusque virtutis genus
346 et vim et nomen adcommodabuntur. Gratissima autem laus eorum factorum habetur, quae suscepta videntur a viris fortibus sine emolumento ac praemio; quae vero etiam cum labore ac periculo ipsorum, haec habent uberrimam copiam ad laudandum, quod et dici ornatissime possunt et audiri facillime; ea enim denique virtus esse videtur praestantis viri, quae est fructuosa aliis,

4. *iucunda est* ς edd.: *iudicandast M*: an *iucunda sunt?* 9. *habent* KH: *habet AEH* PS. 10. *videntur AEH*KH: *videtur* PS.

words identical in form are not placed side by side, but either different forms are used, as *alius aliud dixit,* or the words are separated by some interposed word. Cp. iii. 14. 55 'sed tamen est specie alia magis alia formosa et illustris.'

1. **in moribus hominum**, 'in the characteristic behaviour of men.'

7. **magnitudo animi**, 'highmindedness,' not our 'magnanimity,' but the *μεγαλοψυχία* of Ar. Eth. Nic. iv. 3. 16: cp. § 15 *τίνος γὰρ ἕνεκα πράξει αἰσχρά* [sc. ὁ μεγαλόψυχος], *ᾧ οὐθὲν μέγα*; and § 23 *ἀφειδὴς τοῦ βίου, ὡς οὐκ ἄξιον ὂν πάντως ζῆν*. See reff. in Reid on Acad. ii. 127.

9. **iucunditatis minus**, naturally enough, *ὁ γὰρ μεγαλόψυχος δικαίως καταφρονεῖ*. Ar. l. c. § 21.

16. **cum aequabilitate**, 'with a sense of fairness:' Ell. rightly explains 'explicandum est quibus modis sese omnibus aequabilem praestiterit, nihil unquam gratiae divitiisque tribuerit, sed omnes eadem iuris condicione esse existimaverit.'

17. **aliquo**: cp. note on § 17.

18. **itemque**, etc. 'And so in praising the other virtues, a man's actions must be treated with regard to the character, significance, and name of the several virtues.' Part. Or. 23. 82 'tum quae quisque senserit, dixerit, gesserit ad ea, quae proposita sunt, virtutum genera accommodabuntur.' Cp. throughout Aristotle's Rhetoric, i. c. 9.

23. **facillime**, 'with the greatest readiness.'

24. **denique**, §§ 146, 315.

ipsi aut laboriosa aut periculosa aut certe gratuita. Magna etiam illa laus et admirabilis videri solet tulisse casus sapienter adversos, non fractum esse fortuna, retinuisse in rebus asperis dignitatem; neque tamen illa non ornant, habiti honores, decreta virtutis 347
praemia, res gestae iudiciis hominum comprobatae; in quibus etiam felicitatem ipsam deorum immortalium iudicio tribui laudationis est. Sumendae autem res erunt aut magnitudine praestabiles aut novitate primae aut genere ipso singulares; neque enim parvae neque usitatae neque volgares admiratione aut omnino laude dignae videri solent. Est etiam cum ceteris 348
praestantibus viris comparatio in laudatione praeclara. De quo genere libitum mihi est paulo plura, quam ostenderam, dicere, non tam propter usum forensem, qui est a me omni hoc sermone tractatus, quam ut hoc videretis, si laudationes essent in oratoris officio, quod nemo negat, oratori virtutum omnium cognitionem, sine qua laudatio effici non possit, esse necessariam. Iam vitu- 349
perandi praecepta contrariis ex vitiis sumenda esse perspicuum est; simul est illud ante oculos, nec bonum virum proprie et copiose laudari sine virtutum nec improbum notari ac vituperari sine vitiorum cognitione satis insignite atque aspere posse. Atque his locis et laudandi et vituperandi saepe nobis est utendum in omni genere causarum.

Habetis de inveniendis rebus disponendisque quid sentiam; 350
adiungam etiam de memoria, ut labore Crassum levem neque ei quicquam aliud, de quo disserat, relinquam nisi ea, quibus haec exornentur.' 'Perge vero,' inquit Crassus 'libenter enim te cognitum **86**

1. *ipsi aut MKS*: *ipsi autem ς* PH. 16. *possit ω* KPH: *posset* S.

4. **virtutis praemia**: the genitive may be well defended: cp. iii. 27. 104 'omnibus eis locis, quos ad fidem orationis faciendam adhiberi dixit Antonius.' Of course the dative could also have been used, but it is not necessary, as some have thought.

6. **felicitatem**: on this Cic. dwells in his speech de Imp. Cn. Pompei.

7. **Sumendae**, 'will have to be chosen' to dwell upon.

12. **ostenderam**, 'had promised:' ad Fam. ix. 8. 1; ad Att. ix. 13. 4.

14. **videretis**, as in § 340: *solerem*: then *essent* is attracted into the same tense; otherwise it would have been *sunt*: *posset* is, I think, an unnecessary correction of the *possit* of the MSS. Sorof himself allows *possit* to stand in the closely parallel passage, iii. 67.

20. **satis insignite**, 'in a sufficiently marked manner.' There is no need with Ell. to limit the force of the word to pointing out disfiguring marks, though *insignitus* often means 'disfigured,' much like our own 'marked.'

21. **in omni genere causarum**: cp. the praise of Lucullus introduced in the speech 'De Imperio Cn. Pompeii,' the eulogy on Chabrias in Demosthenes' speech πρὸς Λεπτίνην, etc.

§§ 350–360. *Antonius proceeds to give an outline of the art of memory, ascribing its origin to the manner in which Simonides was struck with the assistance derived from orderly arrangement.*

iam artificem aliquandoque evolutum illis integumentis dissimulationis tuae nudatumque perspicio; et quod mihi nihil aut non multum relinquis, percommode facis estque mihi gratum.' 'Iam istuc,
351 quantum tibi ego reliquerim,' inquit Antonius 'erit in tua potestate; si enim vere agere volueris, omnia tibi relinquo; sin dissimulare, tu quem ad modum his satis facias, videris. Sed, ut ad rem redeam, non sum tanto ego' inquit 'ingenio, quanto Themistocles fuit, ut oblivionis artem quam memoriae malim; gratiamque habeo Simonidi illi Cio, quem primum ferunt artem memoriae
352 protulisse. Dicunt enim, cum cenaret Crannone in Thessalia Simonides apud Scopam fortunatum hominem et nobilem cecinissetque id carmen, quod in eum scripsisset, in quo multa ornandi causa poëtarum more in Castorem scripta et Pollucem fuissent, nimis illum sordide Simonidi dixisse se dimidium eius ei, quod pactus esset, pro illo carmine daturum; reliquum a suis Tyn-

1. **artificem**, 'a master of the theory,' *ars* or *artificium*.

evolutum, 'stripped:' we might say 'unmasked.'

2. **nihil aut non multum**, 'little or nothing:' cp. Reid on Acad. ii. 82.

5. **vere**, 'fairly,' 'frankly,' as contrasted with *dissimulare*.

relinquo = 'you will see that I have left.'

6. **videris**, § 33.

7. **Themistocles**, § 299.

9. **Cio** = Κείῳ, of Ceos: cp. Plin. N.H. iv. 12. 62 'dein Ceos, quam nostri quidam dixere Ceam:' the latter seems the only form found in Latin authors, perhaps to avoid a confusion with the adjective. Cp. *Chīus* = Χῖος, and *Chĭus* = Χίος. Besides Simonides, and his nephew Bacchylides, the sophist Prodicus, the philosopher Ariston, and the physician Erasistratus were born in this small island, all being natives of its principal town Iulis. Dr. Reid (on Cat. M. § 3) decides in favour of the spelling *Cius* rather than *Ceus* (cp. note on *Democritii*, i. 10. 42): here all the MSS. by an extremely common error give *Chio*: cp. Lachmann on Lucret. iv. 1130, and J. B. Mayor on de Nat. D. i. 42. 118. There is a play upon the two words in Aristoph. Ran. 970 *πέπτωκεν ἔξω τῶν κακῶν, οὐ Χῖος, ἀλλὰ Κεῖος.*

10. **Crannone** (from *κράννα*, the Aeolic form of *κρήνη*: Curt. Gr. Et. i. 175: there is authority also both in MSS. and in inscriptions for the form *Cranon*, though here only the inferior MSS. give it) about nine miles S. W. of Larisa, the residence of the noble Thessalian family of the Scopadae: cp. Theocr. xvi. 36 ff. *πολλοὶ δὲ Σκοπάδαισιν ἐλαυνόμενοι ποτὶ σακὸν | μόσχοι σὺν κεραῇσιν ἐμυκήσαντο βόεσσι. | μυρία δ' ἀμπεδίον Κραννώνιον ἐνδιάασκον | ποιμένες ἔκκριτα μᾶλα φιλοξείνοισι Κρεώνδαις.* For the Scopadae (omitted in the Dict. Biog.) cp. Thirlwall, i. p. 497. The uncertainty of the whole tradition is shown by Quintil. xi. 2. 14 'Est autem magna inter auctores dissensio, Glaucone Carystio an Leocrati an Agatharcho an Scopae scriptum sit id carmen, et Pharsali fuerit haec domus, ut ipse quodam loco significare Simonides videtur atque Apollodorus et Eratosthenes et Euphorion et Larisaeus Eurypylus tradiderunt, an Crannone, ut Apollas Callimachus, quem secutus Cicero hanc famam latius fudit. Scopam nobilem Thessalum perisse in eo convivio constat; adicitur sororis eius filius; putant et ortos plerosque ab alio Scopa, qui maior aetate fuerit.'

14. **eius ei**: when *eius* is used in close connexion with some other case of *is* (whether referring to the same substantive, or to different ones, as here), the genitive usually stands first: cp. Tusc. D. i. 11. 24 'evolve diligenter eius eum librum, qui est de animo,' with Kühner's note.

15. **suis**, 'his own favourite' (Dräger, i. 56), the reflexive referring now to Simonides, as the subject of *peteret*: *ei* returns to the more normal construction. Note that *Tyndarĭdae*, very commonly

daridis, quos aeque laudasset, peteret, si ei videretur. Paulo post 353
esse ferunt nuntiatum Simonidi, ut prodiret; iuvenis stare ad
ianuam duo quosdam, qui eum magno opere evocarent; surrex-
isse illum, prodisse, vidisse neminem: hoc interim spatio conclave
illud, ubi epularetur Scopas, concidisse; ea ruina ipsum cum
cognatis oppressum suis interisse: quos cum humare vellent sui
neque possent obtritos internoscere ullo modo, Simonides dicitur
ex eo, quod meminisset quo eorum loco quisque cubuisset, de-
monstrator unius cuiusque sepeliendi fuisse; hac tum re admoni-
tus invenisse fertur ordinem esse maxime, qui memoriae lumen
adferret. Itaque eis, qui hanc partem ingenii exercerent, locos 354
esse capiendos et ea, quae memoria tenere vellent effingenda
animo atque in eis locis conlocanda; sic fore, ut ordinem rerum
locorum ordo conservaret, res autem ipsas rerum effigies notaret
atque ut locis pro cera, simulacris pro litteris uteremur. Qui sit **87**
autem oratori memoriae fructus, quanta utilitas, quanta vis, quid 355
me attinet dicere? tenere, quae didiceris in accipienda causa,

5. *cum cognatis oppressum suis M*: *oppressum cum suis ς*.

used by Cicero for Castor and Pollux, comes from the by-form *Tyndarus*, not from the more usual *Tyndareus*.

3. **magno opere**, 'earnestly:' the form *magnopere* is not so well authenticated for Cicero as *magno opere*, as Ellendt has shown on i. 35. 164 (not. crit.). C. F. W. Müller on Acad. i. 2. 8, writes '*magnopere* scripsi ubicunque est in codd.' Cp. on de Off. i. 1. 3.

surrexisse, etc. The asyndeton contributes much to the vigour and rapidity of the narrative.

4. **conclave** is used for a dining-room also in Phil. ii. 28. 69 'huius in sedibus . . . pro conclavibus popinae sunt,' and in Verr. iv. 26. 58: it is perhaps more common as a 'bed-chamber.'

5. **ruina**, 'downfall:' the plural, as in Hor. Od. iii. 3. 8 'impavidum ferient ruinae,' is not used literally in good prose, but only metaphorically: cp. L. & S.

6. **sui**, 'their relatives,' § 199: for the reflexive referring to the virtual subject cp. Dräger, i. 52: Roby, § 2265.

8. **quo eorum loco quisque**, according to Cicero's practice for 'quo loco quisque eorum,' in order to bring together the pronouns.

9. **sepeliendi**, 'for burial.'

11. **locos**, not in the technical sense, but 'places;' in order to remember things, it is necessary to assign to the concrete image by which they are represented to the mind some definite local position. This is worked out at much greater length in ad Her. iii. §§ 30–32, a passage which is well worth reading.

12. **esse capiendos**: the acc. and inf. depend on *invenisse* which is carried on.

14. **notaret**: cp. § 236.

15. **locis pro cera**: cp. ad Her. iii. 17. 30 'quem ad modum igitur qui litteras sciunt, possunt id quod dictatum est, scribere et recitare, quod scripserunt, item qui mnemonica didicerunt, possunt quod audierunt in locis collocare, et ex his memoriter pronuntiare. Loci cerae aut chartae simillimi sunt, imagines litteris, dispositio et collocatio imaginum scripturae, pronuntiatio lectioni.' Part. Or. 7. 26 '(memoria) est gemina litteraturae quodam modo, et in dissimili genere persimilis; nam ut illa constat ex notis litterarum et ex eo, in quo imprimuntur illae notae, sic confectio memoriae tamquam cera locis utitur et in his imagines ut litteras collocat.'

16. **fructus**, 'advantage,' not as in § 22.

17. **accipienda**, § 114.

quae ipse cogitaris? omnis fixas esse in animo sententias? omnem descriptum verborum apparatum? ita audire vel eum, unde discas, vel eum, cui respondendum sit, ut illi non infundere in auris tuas orationem, sed in animo videantur inscribere? Itaque soli qui memoria vigent, sciunt quid et quatenus et quo modo dicturi sint, quid responderint, quid supersit: eidemque multa ex aliis causis aliquando a se acta, multa ab aliis audita meminerunt.

356 Qua re confiteor equidem huius boni naturam esse principem, sicut earum rerum, de quibus ante locutus sum, omnium; sed haec ars tota dicendi, sive artis imago quaedam et similitudo est, habet hanc vim, non ut totum aliquid, cuius in ingeniis nostris pars nulla sit, pariat et procreet, verum ut ea, quae sunt orta iam in nobis et procreata, educet atque confirmet; verum tamen

357 neque tam acri memoria fere quisquam est, ut, non dispositis notatisque rebus, ordinem verborum omnium aut sententiarum complectatur, neque vero tam hebeti, ut nihil hac consuetudine et exercitatione adiuvetur. Vidit enim hoc prudenter sive Simonides sive alius quis invenit, ea maxime animis effingi nostris, quae essent a sensu tradita atque impressa; acerrimum autem ex omnibus nostris sensibus esse sensum videndi; qua re facillime animo teneri posse ea, quae perciperentur auribus aut cogitatione, si

15. *verborum aut hominum M*: corr. St.: legebatur *verborum aut.*

1. **cogitaris**: cp. i. 5. 18.

2. **descriptum**, 'arranged:' cp. i. 43. 193.

3. **unde discas**, i.e. your client: cp. § 102.

6. **quid responderint**, 'what replies they have already made:' virtually, but not in syntax, equivalent to 'what points (of the opponent) they have already answered.' The reading of the inferior MSS. 'cui responderint' is probably only a careless reminiscence of 'cui respondendum sit:' it is hardly possible to take *cui* as neuter, and if it be masculine, it ruins the sense.

8. **principem**, 'chief source,' not unlike pro Cluent. 22. 60 'princeps sceleris.'

9. **sed haec ars . . . confirmet**, parenthetical; 'confiteor equidem' being answered by 'verum tamen.'

10. **sive artis imago . . . est** = 'vel artis imago, si ea potius est.' Cp. i. 23. 109: Kühner, ii 954, note 4 and 6.

13. **educet**, § 124 (note).

18. **effingi**. Most MSS. (including *M*) have *effingi*, which was rejected by Pearce, followed by most recent editors. His argument is that 'effingere animo' is used of the formation of mental pictures (as in § 354), but that here we need something equivalent to the 'teneri animo' below. But I do not see why the argument may not run thus: we form mental pictures most completely of things which have been perceived by the senses: the sight is the keenest of the senses: therefore if we form a visual conception of what we have heard or thought out, we can remember it better. Hence I now retain *effingi*. The reading *affigi*, 'implanted in,' has no support in MSS. of any value. The word is often so used by Quintilian (e.g. xi. 2. 18 and 44), but nowhere by Cicero. [Reid suggests *infigi*.] Cp. iii. 40. 160 and Hor. A. P. 180 'segnius irritant animos demissa per aurem quam quae sunt oculis subiecta fidelibus et quae ipse sibi tradit spectator.' Plat. Phaedr. 250 D ὄψις γὰρ ἡμῖν ὀξυτάτη τῶν διὰ τοῦ σώματος ἔρχεται αἰσθήσεων, translated by Cic. de Fin. ii. 16. 52.

etiam commendatione oculorum animis traderentur; ut res caecas et ab aspectus iudicio remotas conformatio quaedam et imago et figura ita notaret, ut ea, quae cogitando complecti vix possemus, intuendo quasi teneremus. His autem formis atque corporibus, 358 sicut omnibus, quae sub aspectum veniunt, [admonetur memoria nostra atque excitatur;] sede opus est, etenim corpus intellegi sine loco non potest. Qua re ne in re nota et pervolgata multus et insolens sim, locis est utendum multis, inlustribus, explicatis, modicis intervallis; imaginibus autem agentibus, acribus, insignitis, quae occurrere celeriterque percutere animum possint; quam facultatem et exercitatio dabit, ex qua consuetudo gignitur, et similium verborum conversa et immutata casibus aut traducta ex parte ad genus notatio et unius verbi imagine totius sententiae informatio

3. *vix AEH*: legebatur *non*. 5. *admonetur . . . excitatur* om. *M* incl. KS. 6. *sede* ς KH. *sedes* ς S. *sed opus est AEH*. *sed locis opus est* O^2P^2P.

1. **commendatione,** 'introduction,' i. e. mediation.
ut = 'so that.'
caecas, passive, 'unseen:' Hor. Od. ii. 13. 16 'neque ultra caeca timetve aliunde fata.'

2. **conformatio,** 'embodiment,' further defined by *imago* and *figura*, the former of which seems to denote rather a *picture*, the latter a *model* or form.

3. **notaret,** 'typify.'

5. **[admonetur . . . excitatur]**: it can hardly be doubted that the older MSS. have here preserved the true reading: I cannot accept Ell.'s judgment 'est hic locus manifesto in illis, qui ex antiquo aliquo codice suppleti leguntur in libris recentioribus.'
There is more authority for *sedes* than for *sede*, but the latter is nearer the *sed* of *M*.

7. **multus,** 'tedious,' § 17.

8. **insolens,** 'immoderate:' cp. Reid on de Sen. 10. 31: *insolens* is almost the equivalent of *ineptus*, and has no harsher meaning than 'odd,' 'strange,' 'in bad taste:' here it means 'dwelling at unseemly length upon.'
inlustribus, § 323.
explicatis, 'clearly set forth,' so as to run no risk of being confused one with another.

9. **modicis intervallis,** abl. qual. defining *locis*, not (as Sorof) governed by *utendum*: cp. ad Her. iii. 19. 32 'intervalla locorum mediocria placet esse, fere paulo plus aut minus pedum trinum.' The whole of this mnemonic system is very obscure; but it is evident from the rules given in ad Her. l. c. that the *loci* were to be selected in some place familiar to the speaker, e. g. in the Forum, in his own house, or along a well-known road. Cp. Quintil. xi. 2.
agentibus, 'in action:' not, I think, as Ell. followed by Pid. and Sorof, 'expressive,' 'vivid;' cp. ad Her. iii. 23. 37 'si non mutas nec vagas, sed aliquid agentes imagines ponemus.'
acribus, 'clear,' with the outlines distinctly marked.
insignitis, 'distinctive,' § 349.

10. **quam facultatem,** 'the power to produce these:' cp. 'hanc similitudinem,' § 53. For the 'rerum similitudines, cum summatim ipsorum negotiorum imagines comparamus,' the writer ad Herennium (iii. 20. 33) gives as an example a case where a man is accused by many witnesses of poisoning, for the sake of an inheritance: then, he says, we must keep before our minds the picture of a sick man lying in bed, and at his side the accused, holding in his left hand a cup, in his right tablets (on which the will was inscribed), and having *testiculos arietinos* (i. e. a purse made from the skin covering these) hanging *medico* [*digito*], i. e. from the third finger: 'hoc modo et testium et hereditatis et veneno necati memoriam habere poterimus.'

13. **notatio.** The power of using *loci* and *imagines* is supplied by practice and by

pictoris cuiusdam summi ratione et modo formarum varietate locos
88 distinguentis. Sed verborum memoria, quae minus est nobis
359 necessaria, maiore imaginum varietate distinguitur; multa enim sunt verba, quae quasi articuli conectunt membra orationis, quae formari similitudine nulla possunt; eorum fingendae sunt nobis imagines, quibus semper utamur; rerum memoria propria est

1. *summi* edd. *summa AEH* Ern.

notatio similium verborum conversa, etc. What is the precise meaning of *notatio* here? It seems to be 'taking as marks,' by a slight extension of the force of 'typifying' or 'embodying' above. Cp. ad Her. iv. 20, 34 'et quotiescunque rem meminisse volemus, si formarum dispositione et imaginum diligenti notatione utemur, facile ea quae volemus, memoria consequemur,' and 21. 34 'sed haec imaginum conformatio tum valet, si naturalem memoriam exsuscitaverimus hac notatione, ut versu posito ipsi nobiscum primum transeamus bis aut ter eum versum, deinde cum imaginibus verba exprimamus.' Translate then 'a selection of similar words changed and altered in their cases, or transferred from the species to the genus, and the representation of a whole thought by the image of a single word, after the manner and fashion of an accomplished painter, who distinguishes the positions of objects by the alteration in their shapes.' In the first clause we have a kind of hypallage, it being the *verba* that are *conversa* and *immutata* rather than the *notatio*. Kühner translates 'this faculty we gain . . . partly by forming similar words either by changing and altering their endings, or by transferring their meaning,' etc. Sometimes the memory can be assisted by forming words but slightly changed from those denoting the thing to be remembered, e. g. a month (*mensīs*), may be recalled to mind by tables (*mensīs*), or by denoting some member of a class by a species, as weapons generally by a sword, or by putting some concrete figure to call up an event or a thought, as an anchor for a sea-fight. Cp. Quintil. xi. 2. 18. Then as the painter represents the effects of perspective by varying the shape and size of his figures, the orator must determine the position and succession of his various ideas by the form which he gives to the images which are to recall them. Ernesti's view of the passage is somewhat different. He takes *notatio* in the sense which it has in Top. 8. 35, where Cic. says that many arguments are derived *ex notatione*: 'ea est autem, cum ex vi nominis argumentum elicitur, quam Graeci ἐτυμολογίαν vocant;' but this meaning seems to me out of place here and in the parallel passages from the ad Her. It is to be noted however that ἐτυμολογία denotes 'word formation' in the widest sense of the word; so that this view does not differ widely from that given.

2. **minus necessaria**, in accordance with Cato's rule 'rem tene, verba sequentur.'

3. **distinguitur**, 'is awakened distinctly.'

4. **articuli**, 'particles,' not 'clauses,' as in iii. 48. 186. Conjunctions and propositions are especially meant: see Quint. below.

quae formari, 'and these cannot,' etc.: hence the omission of the conjunction.

6. **quibus semper utamur**, i. e. of a purely conventional, and therefore unchanging character. The artificial and clumsy character of verbal mnemonics is shown by the illustrations in ad Her. iii. 21. 34 '"iam domuitionem reges Atridae parant:" in uno loco [oportebit] constituere manus ad caelum tollentem Domitium, cum a Regibus Marciis loris caedatur: hoc erit "iam domuitionem reges;" in altero loco Aesopum et Cimbrum subornari ut ad Iphigeniam . . . hoc erit "Atridae parant."' Quintilian well remarks (xi. 2. 24) 'at verborum contextus eadem arte quo modo comprehendetur? mitto quod quaedam nullis simulacris significari possunt, ut certo coniunctiones; habeamus enim sane, ut qui notis scribunt, certas imagines omnium et loca scilicet infinita, per quae verba, quot sunt in quinque contra Verrem secundae actionis libris, explicentur, meminerimus etiam omnium quasi depositorum: nonne impediri quoque dicendi cursum necesse est duplici memoriae cura? Nam quo modo

oratoris; eam singulis personis bene positis notare possumus, ut sententias imaginibus, ordinem locis comprehendamus. Neque 360
verum est, quod ab inertibus dicitur, opprimi memoriam imaginum pondere et obscurari etiam id, quod per se natura tenere potuisset: vidi enim ego summos homines et divina prope memoria, Athenis Charmadam, in Asia, quem vivere hodie aiunt, Scepsium Metrodorum, quorum uterque tamquam litteris in cera, sic se aiebat imaginibus in eis locis, quos haberet, quae meminisse vellet, perscribere. Qua re hac exercitatione non eruenda memoria est, si est nulla naturalis; sed certe, si latet, evocanda est.

Habetis sermonem bene longum hominis, utinam non impu- 361
dentis! Illud quidem certe, non nimis verecundi; qui quidem, cum te, Catule, tum etiam L. Crasso audiente, de dicendi ratione tam multa dixerim; nam istorum aetas minus me fortasse movere debuit. Sed mihi ignoscetis profecto, si modo, quae causa me nunc ad hanc insolitam mihi loquacitatem impulerit, acceperitis.'
'Nos vero,' inquit Catulus 'etenim pro me hoc et pro meo fratre 89
respondeo, non modo tibi ignoscimus, sed te diligimus magnam- 362
que tibi habemus gratiam; et cum humanitatem et facilitatem agnoscimus tuam, tum admiramur istam scientiam et copiam. Equidem etiam hoc me adsecutum puto, quod magno sum levatus

16. *nunc H* Fr.H : *non AEγ*. 18. *respondeo* ς SH : *spondeo* ω K.

poterunt copulata fluere, si propter singula verba ad singulas formas respiciendum erit? Quare et Charmadas et Scepsius, de quo modo dixi, Metrodorus, quos Cicero dicit usos hac exercitatione, sibi habeant sua: nos simpliciora tradamus.'

1. **personis**, etc. 'If we arrange skilfully the several representative figures:' the mnemonic images are compared to the masks in the theatre, behind which were the facts or thoughts which they represented.

notare, 'impress upon our minds,' as in ad Her. iii. 20. 33 'unius cuiusque nominis et vocabuli memoria imagine notatur.'

5. **vidi**: cp. Introd. p. 14. For Charmadas and Metrodorus cp. i. 11. 45 and Tusc. D. i. 24. 59 'non quaero quanta memoria Simonides fuisse dicatur; quanta Theodectes; [of whom Quint. l. c. says that he could repeat any number of verses, once read to him]: quanta is, qui a Pyrrho legatus ad senatum est missus, Cineas, quanta nuper Charmadas: quanta qui modo fuit, Scepsius Metrodorus, quanta noster Hortensius' [Brut. 88. 301].

§§ **361–367**. *The conversation of the second book is brought to a close by some compliments on the part of Catulus, and a general request to Crassus that he will proceed to discourse on the ornaments of style, which he promises to do in the afternoon of the same day.*

11. **utinam non impudentis**, 'whom I hope you will not consider shameless.'

12. **certe**, sc. 'you must think me.'

14. **istorum aetas**, 'young men, like our friends here:' *aetas* varies in its meaning with the context. Cp. Hor. Ep. i. 1. 4 'non eadem est aetas' with §§ 74 and 131, above.

18. **respondeo**: the *re* would be easily lost after *fratre*: cp. § 27.

diligimus, 'we esteem you very highly' for your kindness. In this sense of being obliged, *amare* is much more commonly used.

errore et illa admiratione liberatus, quod multis cum aliis semper admirari solebam, unde esset illa tanta tua in causis divinitas; nec enim te ista attigisse arbitrabar, quae diligentissime cognosse et undique conlegisse usuque doctum partim correxisse video,
363 partim comprobasse; neque eo minus eloquentiam tuam et multo magis virtutem et diligentiam admiror et simul gaudeo iudicium animi mei comprobari, quod semper statui neminem sapientiae laudem et eloquentiae sine summo studio et labore et doctrina consequi posse. Sed tamen quidnam est quod dixisti fore, ut tibi ignosceremus, si cognossemus, quae te causa in sermonem impulisset? Quae est enim alia causa, nisi quod nobis et horum adulescentium studio, qui te attentissime audierunt,
364 morem gerere voluisti?' Tum ille 'adimere' inquit 'omnem recusationem Crasso volui, quem ego paulo ante sciebam vel pudentius vel invitius, nolo enim dicere de tam suavi homine fastidiosius, ad hoc genus sermonis accedere. Quid enim poterit dicere? Consularem se [esse] hominem et censorium? Eadem nostra causa est. An aetatem adferet? Quadriennio minor est. An se haec nescire? Quae ego sero, quae cursim adripui, quae subsicivis operis, ut aiunt, iste a puero, summo studio, summis doctoribus. Nihil dicam de ingenio, cui par nemo fuit: etenim me dicentem qui audiret, nemo umquam tam sui despiciens fuit quin speraret aut melius aut eodem modo se posse dicere; Crasso dicente nemo tam adrogans, qui similiter se umquam dicturum esse confideret. Quam ob rem ne frustra hi tales viri venerint, te aliquando, Crasse, audiamus.'

14. an *sentiebam*? K. 17. *esse* om. *M*. 22. *audiret* *M* K: *audierit* ς SH.

1. **admiratione**, § 58.

quod . . . admirari, a not uncommon pleonasm after *admiratione*, to avoid constructing a dependent sentence after a substantive: cp. Tusc. D. i. 22. 52 'nimirum hanc habet vim praeceptum Apollinis, quo monet ut se quisque noscat.'

2. **divinitas**, 'masterly skill:' cp. §§ 179, 298.

3. **attigisse**: i. 18. 82.

cognosse: Cic. hereby indicates that he had drawn largely on previous authorities in composing this work.

6. **virtutem**, 'energy.'

7. **iudicium animi mei**, 'my profound conviction.'

semper statui: Catulus here, as Crassus repeatedly in Book I, expresses Cicero's own view: i. 2. 5; 5. 16; 6. 20; 28. 128; 34. 158 ff., and above, § 5.

9. **quidnam est id quod dixisti**, 'what did you mean by saying.'

13. **morem gerere**: i. 23. 105.

15. **pudentius**: i. 21. 97.

20. **subsicivis operis**, 'by the employment of my leisure-hours:' *subsicivum* meant literally a bit of land left over and above in the measuring of the *agrimensores*, hence 'odds and ends.'

iste, sc. 'didicit,' supplied by a zeugma from 'adripui.'

26. **aliquando**, 'at last;' often in this sense coupled with *tandem*.

Tum ille 'ut ita esse concedam,' inquit 'Antoni, quae sunt **90** longe secus, quid mihi tandem hodie aut cuiquam homini quod **365** dici possit reliquisti? Dicam enim vere, amicissimi homines, quod sentio: saepe ego doctos homines, quid dico saepe? immo non numquam; saepe enim qui potui, qui puer in forum venerim neque inde umquam diutius quam quaestor afuerim? Sed tamen audivi, ut heri dicebam, et Athenis cum essem, doctissimos viros et in Asia istum ipsum Scepsium Metrodorum, cum de his ipsis rebus disputaret; neque vero mihi quisquam copiosius umquam visus est neque subtilius in hoc genere dicendi quam iste hodie esse versatus: quod si esset aliter et aliquid intellegerem ab Antonio praetermissum, non essem tam inurbanus et paene inhumanus, ut in eo gravarer, quod vos cupere sentirem.' Tum Sulpicius **366** 'an ergo' inquit 'oblitus es, Crasse, Antonium ita partitum esse tecum, ut ipse instrumentum oratoris exponeret, tibi eius distinctionem atque ornatum relinqueret?' Hic ille 'primum quis Antonio permisit,' inquit 'ut et partis faceret et utram vellet prior ipse sumeret? Deinde, ego si recte intellexi, cum valde libenter audirem, mihi coniuncte est visus de utraque re dicere.' 'Ille vero' inquit Cotta 'ornamenta orationis non attigit neque eam laudem, ex qua eloquentia nomen suum invenit.' 'Verba igitur' inquit Crassus 'mihi reliquit Antonius, rem ipse sumpsit.' Tum Caesar 'si, quod difficilius est, id tibi reliquit, est nobis' **367** inquit 'causa, cur te audire cupiamus; sin, quod facilius, tibi causa non est, cur recuses.' Et Catulus 'quid, quod dixisti,' inquit 'Crasse, si hodie apud te maneremus, te morem nobis esse gesturum, nihilne ad fidem tuam putas pertinere?' Tum Cotta ridens 'possem tibi,' inquit 'Crasse, concedere: sed vide ne quid Catulus attulerit religionis: hoc opus censorium est, id autem

2. *longe* ς : *valde M.* 17. *ut et partis* KSH. *mei partis M.* *meas partis* ς. 'an *mei sermonis partis*' K. *facere M.* *et utram . . . sumeret* om. *M.* 21. *suum* *M*K : *ipsum* PS (an *ipsa suum*? ς). 22. *ipse* : *ille M.*

5. **in forum venerim**: cp. i. 17. 78.

6. **quaestor**: Introd. p. 10.

7. **heri**: i. 11. 45.

14. **ita partitum esse**: § 123.

15. **instrumentum**, 'stock-in-trade.'

19. **coniuncte**, e.g. incidentally in § 312.

21. **eam laudem**, 'the merit,' sc. elocutio.

25. **quod dixisti**, § 27.

29. **opus censorium**, 'a matter with which the censor has to deal,' i. e. a violation of a compact. Gell. xiv. 12 'si quis agrum suum passus fuerat sordescere eumque indiligenter curabat, neque araverat, neque purgaverat . . non id sine poena fuit, sed erat opus censorium, censoresque aerarium faciebant.'

committere vides quam homini censorio conveniat.' 'Agite vero' [ille] inquit 'ut voltis. Sed nunc quidem, quoniam est id temporis, surgendum censeo et requiescendum; post meridiem, si ita vobis est commodum, loquemur aliquid, nisi forte in crastinum differre mavoltis.' Omnes se vel statim vel si ipse post meridiem mallet, quam primum tamen audire velle dixerunt.

1. num *vide*? Reid. 2. *ille* om. *M.*

2. **quoniam est id temporis**: cp. i. 62. 265.

3. Cicero is careful in most of his dialogues to point out that the interlocutors are sitting cf. ii. 20; iii. 17. Ac. i. 14 etc

ii. 331 Note on § 237: **iunctus** and **coniunctus** are regularly followed by *cum* with the abl. or by the dative. Whether the simple abl. is also legitimate is a question which has been much discussed. The following instances are quoted from Cicero: (*a*) Brut. 162, (*b*) de Legg. i. 6, (*c*) pro Cluent. 12, (*d*) Phil. iii. 35, (*e*) Phil. v. 20, (*f*) ad Att. i. 19. 6, (*g*) ib. ix. 10. 4, (*h*) de Orat. i. 243, (*i*) ib. iii. 55, (*k*) Tusc. D. iii. 11, (*l*) ib. v. 96, (*m*) ad Fam. v. 13, (*n*) de Legg. iii. 47. (*a*) is corrected for other reasons, (*b*) is altered by Du Mesnil to the dative, as the ablative admits of no explanation; in (*f*) and (*g*) it would be very easy to read 'iunctam invidia*e* ac multorum inimicitiis' and 'iunctum *cum* miserrima fuga'; for (*h*) see note ad loc.; in (*k*) 'iuncta stultitia' is abl. abs. as in de Orat. i. 17, if we are not to read 'stultitia*e*' with Orelli, etc. So may 'aviditate coniuncta' be in (*e*); (*l*) was corrected by Bentley to the dative, and is the only case where a finite part of the verb is used; (*m*) may be corrected by reading 'coniunct*am* pari prudentia*e*;' in (*n*) again we might read 'iunctum *cum* magistratibus;' (*i*) presents a serious difficulty to be discussed ad loc.; in (*e*) 'summa miseria est summo dedecore coniuncta,' we might read either 'dedecor*i*' or 'coniuncto.' (*c*) 'lubido non solum dedecore verum etiam scelere coniuncta' is the most difficult to get over, and is admitted by Roby, § 1216. Seeing that in Verg. Aen. x. 653 we have 'forte ratis celsi coniuncta crepidine saxi,' it seems impossible to assert with confidence that Cicero could never have slipped into this construction: but it is at best, highly suspicious.

in T.D. i. 43 Klotz reads iunctis ex anima tenui et ex ardore solis temperato ignibus insistit (qualis innatis in iii. 32 inf.) abl. abs.

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